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From the Private Secretary

7 March 2008

Dear Paul

**CRIMINAL JUSTICE AND IMMIGRATION BILL - INCREASED
PENALTY FOR MISUSE OF PERSONAL DATA**

The Prime Minister met the Secretary of State for Justice on Tuesday 4 March to discuss the proposals in the Criminal Justice and Immigration Bill to increase the penalty for the misuse of personal data. They were joined by Sir Gus O'Donnell, Jeremy Heywood and Stephen Carter. You and I were also present.

The Secretary of State for Justice reported that it was proving extremely difficult to reach consensus between all the interested parties on the detail of the proposals to increase the penalty for misuse of personal data – there was particular tension between media groups and the Information Commissioner. There was also very significant time pressure on the Bill if Royal Assent was to be achieved by 8 May, the point at which the voluntary no-strike agreement with the Prison Officers Association would expire.

The Prime Minister and Secretary of State for Justice agreed that the Government should continue to make every effort to find a way forward given the seriousness of these issues, but that it was important to proceed with consensus. In the interests of Bill handling, the Government should indicate in the Lords on Wednesday 5 March that should it not prove possible to reach a consensus on the appropriate balance between protection of individual privacy and safeguards to ensure the freedom of the press then the Government would withdraw the amendment at Lords Report stage. They also agreed that, in the event that these proposals were withdrawn, the Government should make a clear commitment to bring forward legislation in a future Bill after further consultation.

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The Secretary of State for Justice said that the Information Commissioner would be very concerned if a consensus could not be reached and the proposals were withdrawn. He had set out his concerns in a letter to the Secretary of State. The Prime Minister agreed, on the advice of the Secretary of State for Justice, to meet the Information Commissioner to discuss the matter. The Prime Minister further noted that he had not yet met the Information Commissioner and so would welcome an introductory meeting to discuss a range of issues. Sir Gus O'Donnell said he would contact the Information Commissioner and explain the Government's proposed approach and determination to find a way forward.

I am copying this letter to Ciaran Martin (Sir Gus O'Donnell's office), Robert Hannigan (Cabinet Office) and colleagues here.

Yours ever



NIKHIL RATHI

Paul Kett, Deputy Principal Private Secretary to the Secretary of State for Justice

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