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Our Ref.

Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Lord Currie of Marleybone (Chairman)
OFCOM
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

10th May 2006

Dear David,

What price privacy? The unlawful trade in confidential personal information

Please find enclosed a copy of this report which we have laid before Parliament today.

Our report brings to light a flourishing and unlawful trade in confidential information about individuals which can be too easily obtained – without authority – from a wide range of organisations. Typically, information is obtained by making payments to employees who have access to the information or by impersonating the targeted individual or an official elsewhere in the organisation.

These activities already constitute offences under Section 55 of the Data Protection Act 1998, but the report proposes a substantial increase in the penalties. I believe that the introduction of a prison sentence would not only reflect the seriousness of these offences but also act as a significant deterrent.

The offences under section 55 of the Act are occasionally committed by or impact upon those in the field that OFCOM regulates as evidenced in section 5.6 – 5.11. It is my firm view that increasing the penalties for Section 55 should not in any way fetter the press and other media in the lawful pursuit of its stories.



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At section 7.29 of the report I call on all relevant regulatory and professional bodies to take a strong line to tackle any involvement in the illegal trade in personal information. As indicated in section 7.31 I am now writing to ask you:

- What steps will you take to publicise this report among your members or those you regulate?
- Are you willing to condemn unequivocally the commission of offences under section 55 of the Data Protection Act, and if so how will you do this?
- In six month's time, will you let the Information Commissioner have details of any changes made or in prospect to the relevant disciplinary rules, codes of practice or other instruments (statutory or self-regulatory), with the aim of improving your control or influence over the illegal buying and selling of personal information?

I hope that you will be able to let me have OFCOM's response to the questions above in good time so that we can fully document progress made by all those to whom recommendations have been addressed.

If you would like to discuss any aspect with my staff, please contact Lee Taylor in the first instance.

We look forward to hearing from you.

Yours sincerely


Richard Thomas
Information Commissioner