

nee Taylor
RJT14 (ICO)

Reference: RJT/LT/Z0065

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

Ian Beales
Code of Practice Committee of Editors
PO Box 235
Stonehouse
GL10 3UF

19 July 2006

Dear Mr Beales

WHAT PRICE PRIVACY? THE ILLEGAL TRADE IN CONFIDENTIAL PERSONAL INFORMATION

Please find enclosed a copy of this report which we laid before Parliament in May 2006. We sent a copy of the report to the Press Complaints Commission (PCC) on 10 May 2006 in the belief that it was the proper channel to go through to engage the Code of Practice Committee of Editors. As I believe you are aware, we have since had a meeting with Sir Christopher Meyer at the PCC concerning the report and it has come to our attention that we should have contacted the Committee directly in addition to the PCC.

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 offence of unlawfully obtaining personal data is one that is from time to time committed by journalists and the report highlights this with reference to the Motorman investigations in sections 5.6 – 5.11. It is my firm view that increasing the penalties for Section 55 should not in any way fetter the press in the lawful pursuit of its stories.

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The report makes a number of other recommendations to help to stem the illegal traffic in personal information. You will see (sections 7.17-7.21) that I am recommending that the Press Complaints Commission and the Code of Practice Committee of Editors should take a much stronger line to tackle any involvement by the press in the illegal trade in personal information. We have discussed possible steps to this end with the PCC including the issuance of plain English guidance and changes to the code which will require input from and approval by the Committee. We are happy to discuss these with you in more detail.

You will see that we will be producing a follow-up report in 6 months time. I hope that you will be able to let me have the Code of Practice Committee of Editors' response to our recommendations in good time so that we can fully document progress made by all those to whom recommendations have been addressed.

You should also be aware that I will not hesitate pursue the matter if we receive evidence that any of the 305 named journalists identified during the Motorman investigations may be committing further offences after production of this report.

If you or you staff 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