

**RJTIA**



**Draft 2.4: May 2006**

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

**Embargoed until:**

**Information Commissioner calls for prison sentences for illegal buying and selling of personal information**

The Information Commissioner, Richard Thomas, is today calling for prison sentences of up to two years for the illegal buying and selling of personal information. He is using special powers under the Data Protection Act to present a report to Parliament. The report reflects his deep concern that confidential information can too easily be obtained improperly from public and private organisations, causing significant harm and distress to individuals.

The report - 'What price privacy?' - highlights the existence of a pervasive and widespread industry devoted to illegally buying and selling people's personal information such as current addresses, details of car ownership, ex-directory telephone numbers or records of calls made, criminal records and bank account details. Private investigators, tracing agents and their operatives - often working loosely through several intermediaries - are the main suppliers. Information is usually obtained by making payments to staff or impersonating the target individual or another official. Some victims are in the public eye; others are entirely private citizens.

The ultimate buyers of illegally obtained personal information include journalists, financial institutions and local authorities wishing to trace debtors, estranged spouses seeking details of their ex-partner's whereabouts or finances and criminals intent on fraud or witness or juror intimidation. The report has constructed the tariff of charges - up to £750 for telephone account enquires - revealed by one investigation. In another case, an agent was invoicing up to £120,000 a month for tracing activities.

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The report arises from investigations carried out by the Information Commissioner's Office, sometimes using search warrant powers. Documents seized revealed evidence of a large scale market in the trading of personal information. However, the penalties are low and do not have a deterrent effect. One major case resulted in conditional discharges for the perpetrators.

Richard Thomas said: "People care about their privacy and have a right to expect that their personal details should remain secure from those with no right to see them. Disclosure of even apparently innocuous personal information can be highly damaging in some situations – such as the address of a woman fleeing domestic violence.

"Organisations can also be victims of this pernicious trade. Advances in technology enable public and private bodies to hold vast amounts of information about us, but they need to be fully aware of the risks of unauthorised disclosure and take strong precautions. Otherwise the benefits will disappear if companies and government lose the trust and confidence of customers, staff and citizens. Plugging the gaps becomes ever more urgent as the government rolls out its programme of joined-up public services and joined up computer systems."

Mr Thomas added: "Low penalties devalue this serious data protection offence in the public mind and mask the seriousness of the crime, even within the judicial system. They do little to deter those who seek to buy or supply private information that should remain private. We are proposing the introduction of a prison sentence of up to two years for people convicted by the crown courts and up to six months for those found guilty by magistrates. The aim is not to send more people to prison but to discourage all who might be tempted to engage in this trade – whether as suppliers or buyers. Those who need or want personal information must use legal methods."



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The Commissioner will publish a follow up report in six months to record responses, reactions and progress towards implementing the report's proposals. He is also hoping that the issue will be raised in Parliament.

## ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7282 2960 or visit the website at: [www.ico.gov.uk](http://www.ico.gov.uk)

### Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2004.
2. The report 'What price privacy?' is available on the ICO website at: [www.ico.gov.uk](http://www.ico.gov.uk).
3. It is an offence under Section 55 of the Data Protection Act 1998 to obtain, disclose or procure the disclosure of personal information without the consent of the organisation holding the data. In the six years since the Act came into force on 1 March 2000, some 1,000 section 55 complaints reached the Information Commissioner's Office. Between November 2002 and January 2006 the Information Commissioner brought 25 prosecutions in Crown and Magistrates courts in England and Wales. Convictions were obtained in 22 cases, but the highest fine was £1000 and most penalties were much lower.
4. The report includes recommendations to the Security Industry Authority, the Association of British Investigators, the Press Complaints Commission and many other regulatory and professional bodies.
5. **Delete – unless we get a statement to record DCA reaction.** The Association of Chief Police Officers (ACPO) welcomes the move. Ian Readhead, Deputy Chief Constable of Hampshire, said: "ACPO would be keen to see the sentencing provisions enhanced so as to adequately reflect the seriousness of such criminal behaviour."
6. For more information about the Information Commissioner's Office subscribe to our e-newsletter at [www.ico.gov.uk](http://www.ico.gov.uk)