

Message

RJT 34

Richard Thomas

From: Lee Taylor
Sent: 30 May 2007 14:41
To: Richard Thomas
Subject: Short section 55 guidance for the press
Attachments: Sec 55 guidance 0.8.doc

Richard

Please find attached the Sec 55 GPN for journalists. As you will see it is a lot shorter and simpler than the previous versions. This is because the industry (NPA/NS) made it clear in our meeting in April that it should not go into any detail on the public interest and needed to be very simple in order for journalists to take it on board. The solution was to have the guidance as little more than a warning to journalists to prevent them unwittingly committing an offence and advising them to get approval from their editor or legal advisor before obtaining without consent.

The NPA/NS did not want jointly badged guidance but were happy to have a mention in the intro that we have worked with them on this.

Phil and I are happy with it as it is now. If you are also happy with it I will send it back to the NPA/NS for final comment.

Thanks
Lee

26/08/2011

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Document history and version control

Intended audience	Journalists and editors
Purpose/Message to be conveyed	Obtaining information by deception or bribery may be a criminal offence and caution should be exercised.
Circulated to:	PJ

Reference	(file number or file path)				
		Version number	Status	Date	Substantive changes/Decisions and reason
Author	Lee Taylor	0.1	Draft	07/02/2007	Passed to PJ, NT and MG
Amended by	Lee Taylor	0.2	Draft	08/02/2007	Inclusive of PJ comments
Amended by	Lee Taylor	0.3	Draft	28/02/2007	Inclusive of comments from Mick Gorrill
Amended by	Lee Taylor	0.4	Draft	28/02/2007	Includes MG further comment and LT revisions to match style
	Lee Taylor	0.5	Draft	20/04/2007	Formatted to match GPN template
	Lee Taylor	0.6	Draft	01/05/2007	Changes in line with NPA/NS comments
	Lee Taylor	0.7	Draft	18/05/2007	Inclusive of comments from Phil Jones
	Lee Taylor	0.8	Draft	30/05/2007	PJ comments
Amended by	Regional Offices*		Draft		
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30/05/2007

Data protection good practice note

Guidance for journalists on obtaining information without the consent of the organisation that holds it



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

Though the Data Protection Act 1998 exists to protect the individual's right to privacy this is not absolute and the Act is not intended to stand in the way of the legitimate activities of the press and investigative journalism where the stories being pursued are in the public interest.

This guidance is intended to warn journalists that they may be committing an offence if they obtain information about individuals, either directly or through third parties, without the consent of the organisations that hold the information. It has been produced with the support of the Newspaper Publishers Association and the Newspaper Society.

The public interest defence

A journalist can obtain information about individuals without the consent of the organisation that holds it where in the particular circumstances obtaining it is in the public interest. The Act does not define the public interest.

You should consult your editor or legal advisor before obtaining information without consent.

Examples where the offence may be committed

1. Obtaining by deception or bribery the identity of the registered keeper of a vehicle from the DVLA, either directly or by paying someone else to obtain that information for you.
2. Obtaining by deception or bribery an individual's phone records from a telecommunications company, either directly or by paying someone else to obtain that information for you.
3. Obtaining by deception or bribery an individual's medical records and details of their treatment from a hospital, either directly or by paying someone else to obtain that information for you.

When should I seek advice?

Where you do not believe that the organisation that holds the information would consent to giving it to you because it is clearly private.

Where the price you are asked to pay a third party for certain information is very high. For example, if you are asked to pay several hundred pounds for an ex directory telephone number it is most unlikely that the information will be obtained by legitimate means.

What steps can I take to help me comply?

If you think that your story requires you to obtain information without the consent of the organisation that holds it seek the advice of your editor or legal advisor and obtain their authority to proceed.

Where you do obtain information directly, or indirectly by deception or bribery, you should fully document the decision and reasoning in writing. This will be important in the event that you are asked to justify the obtaining of the information.

If you are using a third party to obtain information clarify that only legitimate means are used to obtain it.

More information

If you need any more information about this or any other aspect of data protection, please contact us.

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