RJT 47

Our Ref

Deleted: Dear Sirs¶

Formatted: Font: 9 pt

Personal Addressee Only

8th November 2006

Dear Sirs

Your Client –

Deleted: YOUR CLIENT – LORD ASHCROFT¶

I refer to the above named and the previous correspondence and in particular Deputy Information Commissioner Smith's letter of 13th October 2006. We have now had an opportunity to undertake an examination of the source material that is held by this office. For the remainder of this letter I propose to refer to the bullet points appertaining to those categories of information that Deputy Commissioner Smith decided should be made available.

- *The number of newspapers or magazines involved – by reference to the 305 journalists ICO identified in the investigation (no identification of names or newspapers, magazines or journalists required); (request 1)*
- *The number of journalists that worked for each title (anonymised – titles identified only as Newspaper A, B, C etc or Magazine A, B, C etc): (request 1)*

Deleted: ¶ ¶ Bullet Points 1 and 2¶

There are 11 Magazines (identified in the table below as Mag A to K inclusive) and 20 Newspapers (identified in table below as N/paper A to T inclusive) .

The table below provides a count of journalists that requested services on behalf of the relevant magazines and newspapers. The same journalist may have made requests whilst working for a number of publications and the figures in this table reflect requests made by journalists acting on behalf of the publication they were working for at the date of the request.

You will see that some publications only had one person making requests whereas one publication, Newspaper B, had 58 different people making requests. This is why, when the total number of journalists is added together, a figure in excess of 305 is reached.

Deleted: ¶
Deleted:

Mag A = 20		N/paper A = 45		N/paper L = 4
Mag B = 5		N/paper B = 58		N/paper M = 19
Mag C = 1		N/paper C = 33		N/paper N = 7
Mag D = 4		N/paper D = 1		N/paper O = 1
Mag E = 2		N/paper E = 4		N/paper P = 1
Mag F = 1		N/paper F = 2		N/paper Q = 8
Mag G = 1		N/paper G = 4		N/paper R = 50
Mag H = 1		N/paper H = 1		N/paper S = 25
Mag I = 2		N/paper I = 7		N/paper T = 1
Mag J = 1		N/paper J = 4		
Mag K = 2		N/paper K = 19		

- *The global total of illicit transactions for the 305 journalists: (request 2(a))*

Deleted: ¶
Bullet Point 3¶

There are 13343 transactions recorded in the source material for the period under consideration. Of these:-

5025 are identified as transactions that were (of a type) actively investigated in the Motorman enquiry and are positively known to constitute a breach of the DPA 1998.

Designated - Identified Illicit Transactions.

A further 6330 (Occupant Searches) represents transactions that are thought to have been information obtained from telephone service providers and are likely breaches of the DPA. However the nature of these is not fully understood and it is for this reason that they are considered to be probable illicit transactions.

Deleted: representing

Deleted: , however

Deleted: .

Designated - Probable Illicit Transactions.

The balance of transactions lack sufficient identification and/or understanding of their nature to determine whether they represent illicit transactions or otherwise. This accounts for 1988 transactions that are neither identified not probable illicit transactions.

- *Of the 305 journalists, a 'top ten' list of the most active, in terms of numbers of illicit transactions, anonymised so as to read "Journalist A, B, C, etc"; (request 2c))*

Deleted: ¶
Bullet Point 4¶

The list below is a table which provides details of those individual journalists who made the greatest number of requests for information. The subsequent columns identify those transactions which could only have been illicit followed by the total of illicit transactions added to the figure for transactions which were probably illicit but which may not necessarily have been.

Over the period in question some Journalists worked for a number of publications.

Deleted: ¶
¶

Formatted: French (France)

Journalist ID	a) Identified Illicit Transactions	b) Identified Illicit Transactions + Probable Illicit Transactions
J024	159	329
J032	113	377
J034	212	467
J063	59	201
J121	111	260
J131	90	209
J167	202	503
J193	188	335
J237	120	253
J239	192	357

a) The total count of Identified Illicit Transactions commissioned by that journalist.

b) The total count of Identified Illicit Transaction plus Probable Illicit transactions commissioned by that journalist.

- *By reference to each of the top ten most active journalists (see above), the date of the earliest and latest of all the illicit transactions we were able to identify, so as to identify the overall period under consideration – date of transaction means the date on which the illicit transaction was provided by the investigator to the media client); (request 3(c)).*

The period under consideration is 1st March 2000 (Effective date of commencement of the DPA 1998) to 8th March 2003 (the date the material was seized by the ICO).

The material clearly shows activity before and up to both dates. There is no documentary evidence from the source material which identifies the specific dates that the information was unlawfully obtained.

You should note that information given in this response relates to the period from 1st March 2000 to the 8th March 2003 which was the period covered by the criminal proceedings brought by this office. The start date is the date that the Data Protection Act 1998 came into force. The end date is a date which relates to the execution of search warrants at a number of premises which took place in March 2003. It is possible that the final offences contained within the source material were committed prior to 8th March 2003, but that date was chosen as it was felt that it could be clearly established as a date after which no further offences could be identified from the source material.

- *Again by reference to the top ten most active journalists (see above), the total sum paid for the information supplied to that journalist (or at that journalist's request). (request 4(c)).*

The following table shows the Journalist identified in the previous table relating to activity and identifies the probable values of the transactions undertaken by that Journalist followed by:

a) Minimum estimated sums paid for Identified Illicit Transactions commissioned by that journalist, excluding any sums paid for Probable Illicit Information supplied. All items are calculated at lowest price variations detected.

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Formatted: Indent: Left: 0.63 cm

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Deleted: Transactions

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm

Formatted: Font: Italic

Deleted: Bullet Point 5¶

Deleted: was

Formatted: Normal, Bulleted + Level: 1 + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm

Formatted: Font: Italic

Deleted: ¶ ¶ Bullet Point 6¶

b) Maximum estimated sums paid for identified Illicit Transactions commissioned by that journalist plus estimated sums paid for Probable Illicit Information. All items are calculated at highest price variations detected.

Journalist Identification	a) - Minimum sum paid for illicit information	b) - Maximum sum paid for illicit information
J024	£10,335.00	£14,900.00
J032	£11,480.00	£17,270.00
J034	£13,780.00	£20,362.50
J063	£5,025.00	£8,660.00
J121	£7,640.00	£11,557.50
J131	£5,850.00	£8,832.50
J167	£14,695.00	£21,942.50
J193	£17,170.00	£21,622.50
J237	£7,800.00	£11,327.50
J239	£23,635.00	£28,062.50

If you require any clarification of this information please do not hesitate to contact me.

Yours faithfully

Solicitor

Deleted: ¶