

Information Briefing

Update

February 2010

News

ATL agrees to improve information security after union members' personal details are stolen

The Information Commissioner's Office ("ICO") has found the Association of Teachers and Lecturers ("ATL") in breach of the Data Protection Act after a laptop and memory stick were reported lost or stolen, containing the personal details of over 6,000 union members.

The laptop was the property of the ATL and contained personal details of 6,282 union members; it was not encrypted but was password protected. The memory stick, which was not password protected or encrypted, belonged to a staff member and contained 3,366 of the same records on the laptop. Both devices, which included some sensitive personal data, were either lost or stolen as an ATL member was packing his car.

The ATL General Secretary has signed an Undertaking to ensure that all devices used to store and transmit personal details are encrypted. The Undertaking also requires a review of the policy covering the transfer and storage of personal data.

Report data breaches or risk tougher sanctions, warns the ICO

Over 800 data security breaches have been reported to the ICO in just over two years, the privacy watchdog has announced.

David Smith, Deputy Commissioner, said: "In just over

two months a further 100 organisations have reported data security breaches to us. We are keen to work with organisations to prevent breaches occurring in the first place and to help put things right when things do go wrong. Talking to us may of course result in regulatory action. However, organisations must act responsibly; those that try to cover up breaches which we subsequently become aware of are likely to face tougher regulatory sanctions."

Mistakes account for 195 of the 818 breaches reported to the ICO since November 2007. 262 breaches are the result of theft, often where the personal information was held on an unencrypted portable device.

Labour Party found in breach of privacy rules

The ICO has served an enforcement notice on the Labour Party after it breached the Privacy and Electronic Communications Regulations (PECR). The enforcement action, by the UK privacy watchdog, follows an investigation which revealed that the party had made unsolicited automated marketing calls without consent to almost half a million individuals.

In July 2007 the ICO received a complaint from a member of the public that he had received an automated marketing telephone call from the Labour Party despite never consenting to receive such calls. The call allegedly consisted of a recorded message from the actress Liz Dawn. After reviewing the transcript, the ICO advised the Labour party that it would constitute direct marketing;

Labour subsequently agreed to stop making any calls using the Liz Dawn script or anything similar.

However, the ICO received further complaints. The Scottish National Party and a member of the public reported that the unsolicited automated calls had been made encouraging recipients to vote in the local and European elections. The Labour Party confirmed that the calls were made to approximately 495,000 recipients and that the majority of numbers were obtained using commercially purchased lists.

The enforcement notice requires Labour to ensure no further automated direct marketing calls are made without consent. The Labour Party have a right to appeal within 28 days.

Decision Notices

Case Ref: FER0196026

Public Authority: Bath and North East Somerset Council

Summary: The complainant submitted a request to Bath and North East Somerset Council for information on the Bath Western Riverside Scheme. The Council refused the request citing regulation 12(4)(b) of the Environmental Information Regulations 2004 ("EIR") and refused the refined request on the basis of regulation 12(5)(e) and (f).

The Commissioner considered that the Council was correct to refuse the original request. In relation to the refined request, the Commissioner considered that regulation 12(5)(e) was engaged, but that the public interest favoured disclosure. The Commissioner found that the exception provided by regulation 12(5)(f) was not engaged and the Council must disclose the information.

Case Ref: FS50265778

Public Authority: BBC

Summary: The complainant made a request to the BBC for an email it received in response to a research email during the making of an edition of 'Panorama'. The BBC stated that the requested information fell outside the scope of the Act as it related to complaints about programme content.

The Commissioner decided that the information related to the journalistic and research process associated with programme content, and that the BBC correctly determined that the information was held to a significant extent for the purposes of art, journalism or literature.

Case Ref: FS50223685

Public Authority: Home Office

Summary: The complainant requested information concerning an honour awarded to a named individual. The public authority refused to disclose this information on the basis of sections 37(1)(b) (information relating to the conferring by the Crown of any honour or dignity) and 40(2) (personal information).

The Commissioner decided that the public authority was required to disclose the information requested. He also found that the public authority failed to comply with the requirements of sections 10(1), 17(1) and 17(3)(b) of the Act as it failed to respond within 20 working days of receipt of the request detailing why the request was refused and did not address the balance of public interest under section 40(2) along with section 40(4).

Case Ref: FS50268393

Public Authority: Ministry of Defence

Summary: The complainant submitted a request to the Ministry of Defence for information about expenditure on school fees for children of members of the Armed Forces and Ministry of Defence staff. A response to the request was not provided.

The Commissioner's decision is that the Ministry of Defence breached section 10(1) of the Act and must now comply with section 1(1) within 35 calendar days of the date of this notice.

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