



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

## **Press Release**

### **For immediate release**

Date: 26 September 2008

### **ICO takes enforcement action against the Department for Communities and Local Government**

The Information Commissioner's Office (ICO) has found the Department for Communities and Local Government (CLG) in breach of the Data Protection Act after it failed to supply an individual with information it held about that person.

The ICO investigated CLG following a complaint from an individual that the department had failed to respond to a subject access request within the statutory 40 day period. Under the Data Protection Act individuals have the right to find out what information an organisation holds on them and organisations must consider these requests.

Following correspondence and a visit from ICO staff to examine the relevant documents CLG did provide some information to the complainant. However the ICO maintains that there are still a number of documents which contain the personal information of the complainant that should be released. The ICO also considers that the identities of the authors, particularly when they are expressing opinions about the complainant, should also be disclosed. In the ICO's view it is reasonable in the circumstances to release third party information without the consent of the individuals because they were acting in a professional rather than a private capacity. The ICO is satisfied that documents withheld by CLG on the basis of legal professional privilege should not be released to the complainant.

The ICO has now issued an [enforcement notice](#) to CLG ordering it to supply the complainant with the relevant documents. Failure to supply the information could lead to further action by the ICO.

David Smith, Deputy Commissioner at the ICO, said: “The Data Protection Act gives us all important rights, including the opportunity to find out what information is held on us by an organisation. This basic right is one of the key provisions of the Act. Organisations that process people’s personal information must comply with subject access requests properly or they risk action from the ICO.”

A copy of the enforcement notice is available on the ICO website at [www.ico.gov.uk](http://www.ico.gov.uk)

## **ENDS**

If you need more information, please contact the Information Commissioner’s press office on 020 7025 7580 or visit the website at: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Notes to Editors**

1. The Information Commissioner’s Office 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 2003.
2. For more information about the Information Commissioner’s Office subscribe to our e-newsletter at [www.ico.gov.uk](http://www.ico.gov.uk)
3. A subject access request is a key right under the Data Protection Act (section 7). The request must be in writing and the data controller can charge a fee (£10) for carrying out this search of their records. When a request is made and the fee paid the data controller has 40 days to provide the information they hold.
4. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
  - Fairly and lawfully processed
  - Processed for limited purposes
  - Adequate, relevant and not excessive
  - Accurate and up to date
  - Not kept for longer than is necessary
  - Processed in line with your rights
  - Secure
  - Not transferred to other countries without adequate protection