



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

Press Release

1 April 2008

Don't water down penalties for blaggers stealing personal information, says Information Commissioner

The Information Commissioner, Richard Thomas, is today issuing a stark call to politicians to resist attempts to water down new penalties for deliberate breaches of people's health, financial and other personal details. He is also publishing [new guidance](#) for organisations to help them in the event of an accidental data breach.

The ICO has welcomed the government's commitment to deter the unlawful trade in procuring personal information. Clause 76 of the Criminal Justice and Immigration Bill, which is currently going through Parliament, will enable courts to impose a custodial sentence on those convicted of existing offences of buying or selling personal data. This is the government's first legislative opportunity after recent data losses to demonstrate its seriousness in safeguarding people's personal information.

Richard Thomas, Information Commissioner, said: 'I am pleased that government is now taking data protection, and the need to prevent security breaches, more seriously. But there have been powerful last-ditch efforts to get clause 76 removed from the Criminal Justice and Immigration Bill. There has been widespread support for the government's decision to strengthen the law and – if data protection is to be taken seriously - it is vital that the government and other parties should stand firm against any possible amendments. I am determined to stop the pernicious illegal market in personal information which our reports exposed.'

‘Losing half the country’s child benefit records looks to have been a serious mistake, but at least it was accidental. If there is a change of heart on legislation aimed at *deliberate* security breaches, the government will find it hard to convince people that measures aimed at preventing data loss need to be taken seriously. I know there are concerns in some quarters of the media, but – with a powerful public interest defence - responsible journalists have nothing to fear. ‘

The new guidance from the Information Commissioner’s Office (ICO) is aimed at organisations that experience a security breach involving personal information. The guidance highlights the importance of organisations reporting breaches to the ICO, especially where large volumes of information or sensitive data are involved, that could cause harm to the individuals affected.

The Information Commissioner’s demand for a jail term for people convicted of disclosing or obtaining personal details without consent was highlighted in his 2006 report to Parliament, *What Price Privacy?* The proposals are modelled on existing provisions contained in the National Identity Cards Act 2006, whereby people who illegally disclose information from the National Identity Register (which will not contain sensitive health and financial details) can face a prison sentence of up to two years.

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

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 2003.
2. In 2006 the Information Commissioner published two reports on the illegal trade in personal information, *What Price Privacy?* and a follow up report, *What Price Privacy Now?*

3. Both reports urged the government to change the law to stamp out the unlawful trade in personal information.
4. 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. There are public interest and other defences.
5. The government issued a consultation paper and subsequently introduced the Criminal Justice and Immigration Bill to Parliament which includes measures to increase the penalties for the section 55 offence.
6. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
7. 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