

3 April 2008

ICO statement on Section 55 offences

A spokesperson from the ICO said:

‘The prospect of unlimited fines has not deterred people from engaging in the illegal market in personal information. The government had recognised that a custodial sentence – included in its Criminal Justice and Immigration Bill – was needed to deter those who steal data.

‘The Information Commissioner is pleased that the government has apparently resisted substantial pressure to abandon clause 76 of the Criminal Justice and Immigration Bill. Although of course we would have preferred the clause to have remained unchanged, we understand that the Justice Secretary will be able to introduce prison sentences if illegal activity continues. Our aim has always been to deter and this will now be a powerful Sword of Damocles hanging over the heads of anyone involved in obtaining personal data. The Information Commissioner strongly values press freedom and freedom of speech, and hopes that all journalists will steer well clear of the sort of practices which – in the words of one newspaper – will “poison the well for all journalism”.

‘Stealing people’s personal details remains a serious criminal offence. The ICO will continue to educate and inform to help protect the public’s personal information, working constructively with the key organisations whose databases are most at risk from the blaggers. We will be watching the blagging market closely, will prosecute any case supported by evidence and will highlight any future breaches of Section 55 of the Data Protection Act to Ministers and to Parliament.

‘In 2006 the ICO exposed the illegal, widespread and pernicious trade in personal information. Law firms, financial institutions and the media have been engaging private investigators to obtain people’s health, financial and other personal details to order. It has been a specific criminal offence for many years to knowingly or recklessly disclose, obtain or procure personal information without the consent of the organisation holding it.’

For all media enquires, please contact the ICO press office on 0207 025 7580.