



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

Press Release

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Trade in personal data jeopardised employment prospects

The Information Commissioner's Office (ICO) has served [Enforcement Notices](#) on 14 construction firms following breaches of the Data Protection Act. Some organisations paid thousands of pounds to unfairly obtain personal information about construction workers.

David Smith, Deputy Information Commissioner, said: "Fourteen firms paid for personal details about construction workers without those people knowing. The individuals were denied the opportunity of explaining or correcting what may have been inaccurate personal information about them and which could have jeopardised their employment prospects in the construction industry. We have used the maximum powers available to us and this enforcement action sends a strong signal that organisations must take the Data Protection Act seriously. Should the firms fail to adhere to the terms of the Notices they could face prosecution."

The firms are: Balfour Beatty Civil Engineering Limited; Balfour Beatty Construction Northern Limited; Balfour Beatty Construction Scottish & Southern Limited; Balfour Beatty Engineering Services (HY) Limited; Balfour Beatty Engineering Services Limited; Balfour Beatty Infrastructure Services limited; CB&I UK Limited; Emcor Engineering Services Limited; Emcor Rail Limited; Kier Limited; NG Bailey Limited; Shepherd Engineering Services Limited; SIAS Building Services Limited; Whesoe Oil & Gas Limited.

The enforcement action prevents the companies from using the personal data supplied to them by Ian Kerr, formerly of The Consulting Association (TCA). The firms will also need to ensure that if they obtain personal information about job applicants from third parties in the future they are completely open with those

applicants about the process. It is a breach of the Data Protection Act to use personal data covertly to vet workers for employment.

An ICO investigation found that Ian Kerr of Droitwich, on behalf of the TCA, held details on 3,213 construction workers and traded their personal details for profit. At Kerr's business premises the ICO seized copies of invoices to construction companies for services, including employment checks on individuals. On 16 July 2009 Ian Kerr was fined £5,000 for breaching the Data Protection Act and ordered to pay £1,187.20 costs.

The Enforcement Notices can be viewed here:

http://www.ico.gov.uk/what_we_cover/data_protection/enforcement.aspx

ENDS

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. It is not a criminal offence to breach the data protection Principles, which is why the ICO chose only to prosecute Ian Kerr for failing to notify as a data controller. No such option is available to the ICO regarding the construction firms. The ICO has pressed strongly for monetary penalties where the Data Protection Act has been knowingly or recklessly breached. The type of conduct engaged in by Kerr and some construction firms is likely to incur a fine in future
2. Since the ICO's investigation, the Department for Business, Innovation and Skills is seeking views on draft Regulations that will outlaw the blacklisting of trade unionists
3. The ICO can serve enforcement notices where there has been a breach of the Act, requiring organisations to take (or refrain from taking) specified steps in order to ensure they comply with the law. The ICO can prosecute those who commit criminal offences under the Act; failure to comply with an Enforcement Notice is a criminal offence. Appeals against enforcement notices are heard by the [Information Tribunal](#), an independent body set up specifically to hear cases concerning enforcement notices or information notices issued by the Information Commissioner.
4. The Information Commissioner's Office promotes public access to official information and protects personal information. The ICO is the UK's independent influential and practical authority on information rights and responsibilities, making a difference to people
5. The ICO has 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

6. Organisations can now sign the Personal Information Promise to demonstrate their commitment to protecting people's personal information by visiting the website at www.ico.gov.uk
7. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
8. 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