

Press Release

For immediate release

08 September 2010

Lettings and estate agents risking legal action, warns ICO

The Information Commissioner's Office (ICO) is concerned that some lettings and estate agents are failing to notify the privacy watchdog that they are handling people's personal information.

It is a legal requirement under the Data Protection Act (DPA) for all organisations handling personal information to notify the ICO. As property agents routinely process personal data, such as financial information, the ICO is warning that the vast majority would be subject to the DPA and need to notify the ICO as a matter of urgency.

Currently only 3,734 estate agents and 1,416 lettings agents appear on the public register, which makes up a small proportion of the industry. The ICO has written to a number of professional bodies, including the National Association of Estate Agents, the Association of Residential Lettings Agents and the National Federation of Property Professionals, to urge them to encourage their members to notify.

Mick Gorrill, Head of Enforcement at the ICO, said: "We want to work with the industry to ensure all property agents meet the legal requirement to notify us that they are processing personal information. A targeted approach working with stakeholders and membership bodies has proved

highly successful in other sectors. We will be writing to organisations providing them with advice and encouragement to notify.

“However, if that encouragement is ignored, we will take action against those who flout the law. The message is very clear –notify with the ICO or face regulatory action.”

In 2009/10 there was a 15% increase in notifications. The ICO saw a surge in notifications among private doctors and solicitors following targeted campaigns. In the same period the ICO successfully prosecuted seven organisations and individuals for failing to notify. The fee for the majority of organisations remains £35.

Advice and guidance on how organisations can register with the ICO can be found here:

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

The public register of data controllers can be accessed here:

http://www.ico.gov.uk/tools_and_resources/register_of_datacontrollers.aspx

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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. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
2. 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.
3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk. Alternatively, you can find us on Twitter at www.twitter.com/ICOnews.
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
5. The Data Protection Act (1998) does not cover the acts of interception of communications or 'hacking' of personal information. The interception of communications falls under the Regulation of Investigatory Powers Act (2000) which is regulated by the Interception of Communications Commissioner.
6. The ICO has legal powers to ensure that organisations comply with the requirements of the Data Protection Act. In using its regulatory powers, the ICO considers the nature and severity of the breach which has occurred. Dependent on circumstances, the powers the ICO has at its disposal include:
 - serving information notices requiring organisations to provide the ICO with specified information within a certain time period;
 - serving enforcement notices requiring organisations to take specified steps in order to ensure they comply with the law;
 - issuing monetary penalties of up to £500,000 for serious breaches of the Data Protection Act;
 - conducting audits to assess whether organisations are processing personal data in accordance with good practice;
 - reporting to Parliament on data protection issues of concern;
 - prosecuting those who commit criminal offences under the Act. The ICO prosecutes individuals and organisations for specific breaches of the Act such as the illegal trading of personal data and non-notification.