



Information Commissioner's Office

Press Release

18 January 2010

ICO publishes guidance on going to court in Northern Ireland to enforce their information rights

The Information Commissioner's Office (ICO) has published [new guidance](#) to help individuals in Northern Ireland take a claim to court under the Data Protection Act.

The Act gives us all important rights allowing us to take control over what happens to our personal information. For example, organisations are required to keep information accurate and up to date and individuals have the right to request that their personal information is corrected if it is wrong.

The ICO can give an opinion whether it is likely that an organisation has breached the Act, but this will not be binding on the court. The ICO cannot award compensation itself. The ICO recommends that individuals should initially contact the organisation to try to resolve their issue informally before making a court claim.

However, if individuals feel their personal information is still not being processed in accordance with the Act they can apply to court to enforce their rights. Those who have suffered damage and distress as a result of an organisation's non-compliance with the Act can apply to court to claim compensation.

The new guidance, *Taking a case to court in Northern Ireland*, clearly explains the legal procedures and terms that will be used and where to find further information to help individuals through the legal process. The guidance also answers questions such as what to do before you make a claim, which court to issue proceedings in and how to call a witness.

Box out – Example from the Guidance

An individual has requested that a data controller stops sending him direct marketing material but the data controller has failed to honour his request. In this case the individual is making an application to the court for a decree that the data controller take such steps as are necessary to comply with his request.

The ICO upholds information rights in the public interest by promoting good practice – helping organisations and individuals understand their rights under the Act – and enforcing the law to ensure both public and private organisations take data protection seriously and comply with the Act.

A free copy of the guidance can be downloaded from the website at http://www.ico.gov.uk/what_we_cover/data_protection/guidance/its_your_information.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. 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. 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
4. 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
5. 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