

## **News release**

**1 June 2011**

### **Personal injury worker prosecuted for illegally obtaining patients' details**

A personal injury claims company employee has today pleaded guilty to offences of illegally obtaining NHS patients' information over a four month period, the Information Commissioner's Office (ICO) said today.

Martin Campbell, a former employee of the Bury-based personal injuries company Direct Assist, has been prosecuted under section 55 of the Data Protection Act. The hearing took place today at Bury Magistrates Court. Mr Campbell has been ordered to pay a £1,050 fine, £1,160 towards prosecution costs, and a £15 victims' surcharge.

Mr Campbell is thought to have obtained personal data relating to around 29 patients who had received medical treatment at Prestwich or Moorgate Primary Care walk in centres, both based in Bury. The patients whose information was passed on had all attended the centres to receive treatment for accidents they'd been involved in. Their details were supplied by Mr Campbell's then girlfriend, Dawn Makin, who was working as a nurse at the centre. He then used the information to generate leads for the personal injury claims company he was working for at that time.

Mr Campbell's activities were uncovered when Bury Primary Care Trust received complaints from patients who had been contacted by a male asking them about their recent injuries before encouraging them to make a personal injury claim. The Trust's investigation found that the patients'

files had been accessed by Ms Makin and that she did not have a legitimate reason for accessing them. It was at this point that the Trust reported the matter to the ICO.

The ICO's case against Dawn Makin is not being pursued due to a prosecution no longer being in the public interest.

Information Commissioner, Christopher Graham, said:

"People's medical information is some of their most sensitive data and they rightly expect health workers only to access it when there is a legitimate business need. Abusing this trust for personal gain is clearly wrong and potentially very distressing for those affected.

"Martin Campbell would have known that obtaining the information was unlawful and yet he put his greed ahead of peoples' privacy rights. Today's prosecution should help to serve as a deterrent to those who attempt to illegally obtain and pass on people's information. Where greed and breach of trust meet then the results, as in this case, can be tragic.

"The ICO will always pursue prosecutions where individuals breach both their duty of confidentiality and the Data Protection Act. Those whose responsibilities include the custodianship of sensitive personal data should take note."

Unlawfully obtaining or accessing personal data is a criminal offence under section 55 of the Data Protection Act 1998. The offence is punishable by way of a financial penalty of up to £5,000 in a Magistrates Court or an unlimited fine in a Crown Court.

**ENDS**

If you need more information, please contact the ICO press office on 0303 123 9070 or visit the website at: [www.ico.gov.uk](http://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. Under section 55 of the Data Protection Act it is a criminal offence to knowingly or recklessly obtain personal information without the consent of the organisation involved. If someone has obtained personal data illegally it is also an offence to sell it or to offer to do so. The maximum penalty for breaching this section of the Act is £5,000 in a magistrate's court or an unlimited fine in the Crown Court.
4. The ICO is on [Twitter](#), [Facebook](#) and [LinkedIn](#), and produces a monthly [e-newsletter](#). Our [For the media](#) page provides more information for journalists.
5. Anyone who processes personal information must comply with eight principles of the Data Protection Act, 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