

Press Release

15 November 2010

Local Authority disclosed personal data on Planning Department website

New Forest District Council breached the Data Protection Act by publishing the personal data of planning applicants on their website, the Information Commissioner said today.

The Information Commissioner's Office (ICO) received a complaint from a New Forest resident in 2008, after council staff failed to appropriately redact personal data from the resident's planning application before publication on their website.

The council initially addressed the issue and removed the relevant data. However, the resident continued to monitor the website and reported finding personal data relating to other Hampshire residents over a period of some months.

Following this complaint, the council initially improved their internal redaction procedure and introduced a self monitoring process. However, in July 2010, the ICO established that further personal data was being published on New Forest's website and contacted the council to address the issue.

The ICO examined the systems in place at the council and interviewed the staff directly responsible for the redaction process. Following this, the ICO

was satisfied that the Council were taking the steps needed to lessen the risk of a breach occurring again.

The Council's Chief Executive, David Yates, has provided the ICO with a personal commitment to continue to employ such measures to ensure maximum compliance with the Data Protection Act.

Sally-Anne Poole, Enforcement Group Manager at the ICO, said:

"The ICO welcomes the measures introduced by New Forest District Council to tackle this problem. While we appreciate it is difficult for any organisation to give a 100% guarantee that they will comply with the Act, we expect authorities to put the most effective data protection measures in place and to ensure they are upheld.

"We will be monitoring other local authorities to scope compliance in this area on a national level. Any council found to have an unacceptable error rate may be subject to regulatory action."

ENDS

If you need more information, please contact the ICO press office on 0303 123 9070 or visit the website at: <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. 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.