



**Facsimile**

**Information Commissioner**

To: Mr Bernard Thorogood

Fax no.

From: Philip Taylor

Direct dia

Date: 12 May 2005

Our ref: PJT/JT

Subject: Op Motorman

Page 1 of 4

LEGAL DEPARTMENT FAX NO.

Please see attached Articles.

In addition we will need to discuss the following issues tomorrow:

1.  This may impact upon the case as he still needs to sign a statement.
2. How to counter any arguments made by defendants that this case should be sent to Blackfriars Crown Court as opposed to Southampton Crown Court.
3. The impact upon the timing of the case in the event of a defendant not attending on Tuesday. Is it possible for those that attend to be sent with the remainder being sent subsequently to catch up?
4. The time scale for any PCMH. (Plea and Case Management Hearing).
5. What issues you may consider need to be addressed at the PCMH.
6. Any useful arguments which can be made in the event of Whittamore's (or Dewse's) legal representatives raising issues appertaining to abuse of process at Tuesday's hearing.

Regards

Philip Taylor

PLEASE NOTE: From 30<sup>th</sup> Jan 2001

The Office of the Data Protection Commissioner is known as the Information Commissioner's Office. It will continue to enforce the Data Protection Act 1998, and is now responsible for Freedom of Information.

Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF  
Telephone: 01625 545700 Facsimile: 01625 524510  
email: mail@dataprotection.gov.uk Website: www.dataprotection.gov.uk

MOD100048791

While residents understand the need to shut Frenches Road during major construction work on a relief road to serve Holmethorpe industrial estate and a new 498-home

come to realise the impact it is having on their lives.

"We hope to get as many residents as possible to join the protest on Saturday to make the council understand the strength of feeling there is in this community."

Mr Hulf added: "We met with Bob Moodie, local transportation director for Reigate and Banstead, and Surrey county councillor Helyn Clack, executive member for transportation, on Tuesday, and the only reasons given why the road needs to be closed were because a traffic order has been passed and the clo-

"We are asking Mrs Clack to provide details of the decision-making process prior to the traffic order in 2003 and prove that voices of those opposed to the plans were heard."

On Wednesday morning residents were out handing leaflets to drivers to publicise their campaign and enlist support.

Campaigners have set up a "fight the road closure" website on [www.frc.info](http://www.frc.info) which gives information, history and addresses of councillors and enables residents to log their own comments.

A campaign spokesman said:

should all be celebrating, but it's not, because despite huge opposition councillors took the minority's view that Frenches Road should be permanently closed.

"Since its closure at the end of January the traffic chaos throughout the area has been misery for thousands of people trying to get to and from work, and just attempting to get on with life."

He branded the council's standard line that the decision was reached by a "due democratic process" as a "complete joke" and said the closure was a fait accompli.

"We were never fully consulted,"

before the closure was instigated, the hall was packed with residents desperate to keep the roads open.

"We handed in petitions and they were ignored. We tried to reason with the councillors, but they would not listen.

"The residents' stance is that, although the closure was decided as part of the traffic order process in 2003, this was in fact a fait accompli. The decision to close Frenches Road was taken when the land associated with the relief road was compulsorily purchased."

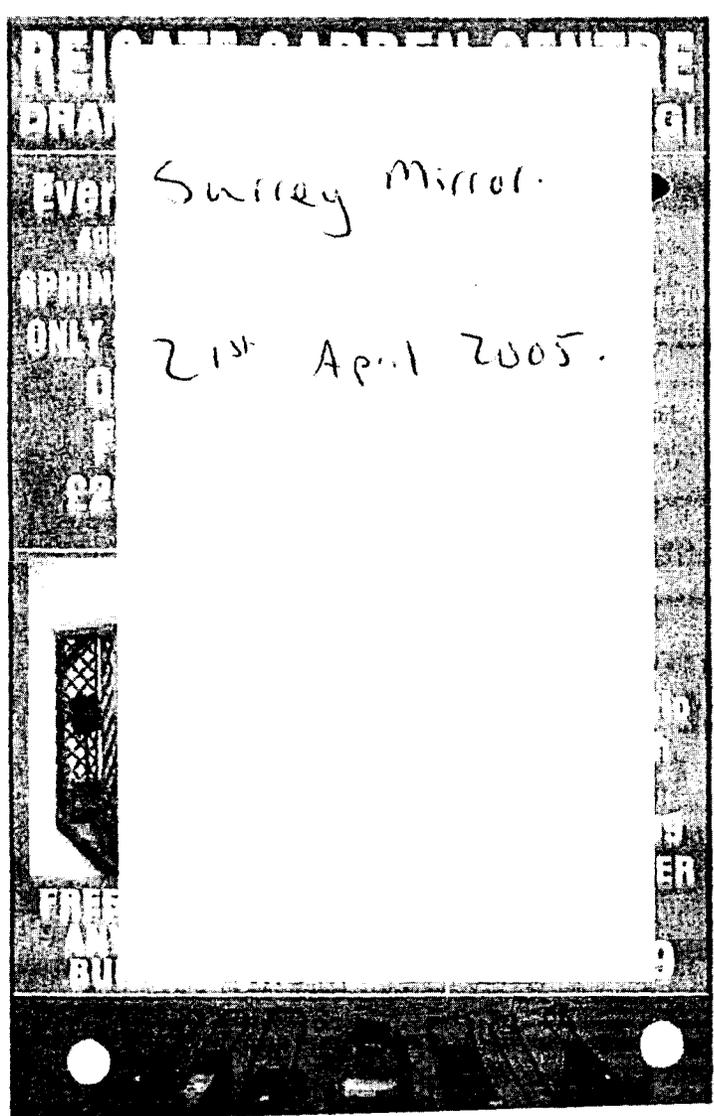
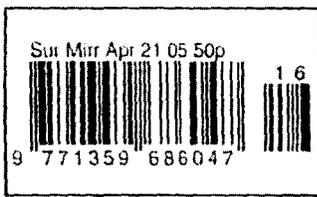
As well as distributing leaflets campaigners have put up posters

in the area saying: "Traffic Ring Bob" referring to Bob Moodie, local transportation director for Reigate and Banstead.

Another poster urges residents to "tell the loony council you think" about the closure.

A joint statement issued by borough and county council says the relief road will be open from May 23 and that road safety traffic flow in the area will be restored for six months after that so that the full impact changes can be assessed.

If there are still severe problems the position will be reviewed more urgently.



## Private detective helped pass celebrity secrets to the media

A PRIVATE investigator involved with a gang which sold celebrity secrets to national newspapers, avoided jail after being given a two-year conditional discharge.

John Boyall, 52, of The Conduit, Bletchingley, admitted a charge under the Data Protection Act of obtaining and disclosing information about EastEnders stars such as Jessie Wallace and Charlie Brooks, actor Ricky Tomlinson, Big Brother contestant Jade Goody, and London Mayor Ken Livingstone.

At Blackfriars Crown Court on Friday, Boyall stood in the dock with civilian police worker Paul Marshall, 39, retired police officer, Alan King, 59, and private investigator Stephen Whittamore, 56.

Marshall worked in the control room at Wandsworth Police Station and had unlimited access to personal details stored in the police national computer.

He dished out secrets on 19

occasions which ended up on the newsdesks of the Sunday Mirror, the Mail on Sunday, and the News of the World.

One of the stories the gang helped break for the Sunday Mirror featured Miss Wallace on the eve of the TV soap awards, headlined "TV Cat's Guilty Secrets — she hides criminal past from EastEnders' bosses".

Further articles revealed details about Jade Goody's estranged father, Mr Tomlinson's troubled son, and Mr Livingstone's girlfriend Emma Beal.

Rial Karmy-Jones, prosecuting, said the case involved the passing of information to the press through a chain of defendants starting with Marshall, who had worked with King at Wandsworth Police Station.

"It was Marshall who had access to the computer and carried out these unauthorised

checks, passing his findings to Whittamore who disseminated the information for cash," he said.

Boyall worked from offices in Bishopsgate in the City of London, while Whittamore traded from his home in Hampshire.

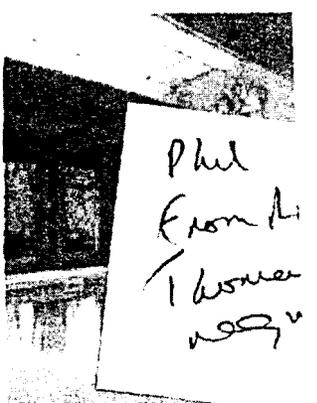
The court heard how Whittamore made contact with newspapers, sometimes using Boyall in dealings with King and Marshall.

Whittamore admitted a charge of obtaining and disclosing information under the Data Protection Act.

Marshall, of Christchurch Road, Streatham, and King, of Outwood Lane, Coulsdon, both admitted one count of conspiracy to commit misconduct in a public office.

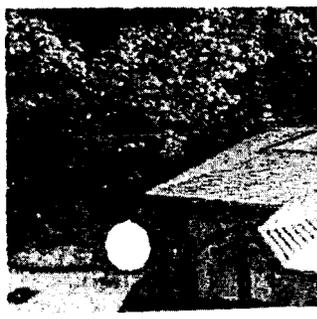
Judge John Samuels sentenced each man to a two-year conditional discharge.

Boyall alone was ordered to pay £1,250 in court costs.



## Live dres

Various styles of log build including Home Offices, Gardens. We are one of the leading suppliers of standard packages and custom...



## Passenger accused of assaulting conductor

A TRAIN passenger has been arrested and released on bail after being accused of assaulting a conductor who had asked for his ticket.

The incident took place at

about 11.35am when a train was pulling into Reigate station.

The male passenger, who has not been named, was restrained by the conductor.

Rail staff came to his assistance once the train had pulled into platform one.

He was taken away by police but released on bail pending further inquiries.

**The Guardian (London) - Final Edition**

**May 2, 2005**

**SECTION: Guardian Media Pages, Pg. 11**

**LENGTH: 865 words**

**HEADLINE: Media: Time to curb the muckrakers**

**BYLINE: Roy Greenslade**

**BODY:**

Late one night in July 1975, American secret service agents saw a man taking away bags of rubbish from outside the Washington DC home of the then secretary of state, Henry Kissinger. It transpired that the garbage thief was a reporter for the National Enquirer, the supermarket weekly that is the closest US equivalent to our red-top tabloids.

The resulting article - which revealed Kissinger's personal agenda - so alarmed Hollywood that the city of Beverly Hills later passed a bylaw forbidding the theft of rubbish, and the Enquirer's already seedy reputation took a further slide into the mire.

Some 20 years later Britain's own trash-man, Benji "the binman" Pell, launched a profitable business by trawling through the rubbish of a variety of celebrities to pass on supposed secrets to newspapers. But Pell's distasteful activity is only one of the tabloid-financed intrusions into privacy that are beginning to come to light.

In a string of recent cases - which cannot be reported in detail because of court injunctions - reporters have been discovered obtaining ex-directory phone numbers, mobile phone accounts, copies of text messages, hospital records and even adoption documents. They have also managed to obtain confidential details from the police national computer.

But there are signs that this wholesale invasion may be on the verge of being curbed. Two weeks ago four men - two private investigators, a retired policeman and a civilian police clerk - were sentenced at a London court for their part in selling confidential data held on the police national computer about actors Ricky Tomlinson and Jessie Wallace, and the mayor of London, Ken Livingstone. One of the men made unauthorised searches on the computer and then passed on information to the other three who sold it to newspapers. The Wallace revelations resulted in a Sunday Mirror "exclusive". The four men were conditionally discharged for two years but the judge warned that in future, people indulging in similar conspiracies would be likely to go to jail.

Even more significant are prosecutions brought by the investigation department of the **information commissioner**, Richard Thomas, the man responsible for ensuring compliance with the **Data Protection Act**.

Six people who work for private detective agencies and sold confidential information to the press have been charged with breaching a section of the act that specifically outlaws the obtaining or disclosing of such information without the consent of the data controller. They are due to appear in court later this month.

A spokeswoman for the **information commissioner** said that though there had been several prosecutions under the act, this case was the biggest yet. Clearly, it is seen as a landmark case.

What has also emerged is that the commissioner informed the Press Complaints Commission (PCC) in advance of the prosecutions. The result of their liaison was a lengthy and complex advice note sent to editors in early March about the need for journalists to "observe rules of good practice" when obtaining or handling information.

It pointed out that there were exemptions which allow journalists to obtain data when researching stories that are considered to be in the public interest. Though the act itself does not define public interest, it does suggest that the definition in the editors' code of practice would be acceptable as a defence. But that does not mean that papers can obtain information by unlawful means.

What is striking about the two cases mentioned above is that no journalist has been charged. It would appear that, to an extent, the act's exemptions tie the **information commissioner's** hands. Unless

reporters can be shown to have directly induced people to break the law, they cannot be prosecuted.

This odd situation is somewhat similar to that pertaining to prostitution, where the prostitute is deemed to be the law-breaker for offering her services while her client who pays for them escapes scot-free.

Surely this mucky trade requires some careful thought by the PCC's code committee with a view to stopping it altogether unless there is an overriding public interest defence. It should certainly construct a clause which forbids "fishing expeditions".

There is little difference, in essence, between the night-time rubbish raids by Benji the binman and the stealthy trawls through confidential data by private detectives. They all demean the notion of genuine investigative journalism.

Then again, if the tittle-tattle of a former nanny to the Beckhams can be said to be in the public interest, what hope is there of halting these activities?

Thank goodness, at least, for the **information commissioner**. He is leading the way in protecting people's privacy and it would not threaten the freedom of the press one iota if the PCC were to follow suit by ensuring that journalists behave with honour when going about their business.

Muck-raking may have a long history but it gets muckier by the year, and if we do not clean up our act, the public we claim to serve will simply turn their backs on us for ever, as declining red-top sales surely indicate.

**LOAD-DATE:** May 2, 2005

## MESSAGE CONFIRMATION

12-MAY-2005 15:25 THU

FAX NUMBER:  
NAME :

NAME/NUMBER : 901926407275  
 PAGE : 004  
 START TIME : 12-MAY-2005 15:23 THU  
 ELAPSED TIME : 02'00"  
 MODE : G3 STD ECM  
 RESULTS : [ O.K ]




---

**Facsimile Information Commissioner**


---

To:	Mr Bernard Thorogood	Fax no.	<input type="text"/>
From:	Phillip Taylor	Direct dial:	<input type="text"/>
Date:	12 May 2005	Our ref:	PJT/JT
Subject:	Op Motorman	Page 1 of	4

---

LEGAL DEPARTMENT FAX NO. 01625 545836

Please see attached Articles.

In addition we will need to discuss the following issues tomorrow:

1.  This may impact upon the case as he still needs to sign a statement.
2. How to counter any arguments made by defendants that this case should be sent to Blackfriars Crown Court as opposed to Southampton Crown Court.
3. The impact upon the timing of the case in the event of a defendant not attending on Tuesday. Is it possible for those that attend to be sent with the remainder being sent subsequently to catch up?
4. The time scale for any PCMH. (Plea and Case Management Hearing).
5. What issues you may consider need to be addressed at the PCMH.
6. Any useful arguments which can be made in the event of Whittamore's (or Dewse's) legal representatives raising issues appertaining to abuse of process at Tuesday's hearing.

Regards

Phillip Taylor

PLEASE NOTE: From 30<sup>th</sup> Jan 2001

The Office of the Data Protection Commissioner is known as the Information Commissioner's Office.  
 It will continue to enforce the Data Protection Act 1998, and is now responsible for Freedom of Information.

Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF  
 Telephone: 01625 545700 Facsimile: 01625 524510  
 email: mail@dataprotection.gov.uk Website: www.dataprotection.gov.uk

MOD100048795