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Sent: 15 September 2011 16:15
To: UK2
Cc: Irish PI Group
Subject: [WAPI] UK IC admits Debt & Claims cCompanies are the real blaggers!!
NEWS – “without comment”

Debt and claims companies the real blagging culprits says Information Commissioner

Companies involved in financial services, debt collection and claims management are involved in routine 'blagging' of personal data, the Information Commissioner has said.

Moves to deter them are being hampered by press phone hacking claims, he said. 14 Sep 2011

Information Commissioner Christopher Graham said that courts should be able to issue jail sentences to those who engage in blagging activities, where deceit is used to extract personal data from people or organisations.

On average offenders are fined just £100 and this is "no deterrent" to the behaviour, Graham said, according to a BBC report. He said that introducing laws to punish blaggers by debt collection and claims management companies are being held back by a focus on investigating journalists' tapping of mobile phones.

"It beggars belief that – in an age where our personal information is being stored and accessed by more organisations than ever – the penalties for seriously abusing the system still do not include the possibility of a prison sentence, even in the most serious cases," Graham said in an ICO statement.

"Access to online records is now part and parcel of almost every transaction the citizen makes – with government agencies, local government, the NHS, DVLA, high street banks, insurers, social networks. This only makes the risks to privacy greater and the need for security greater still," Graham said.

Blagging is prohibited under UK data protection laws. Section 55 of the Data Protection Act (DPA) states that is generally unlawful for a person to "knowingly or recklessly without the consent of the data controller obtain or disclose personal data or the information contained in personal data, or procure the disclosure to another person of the information contained in personal data" without the consent of those who control the data.

The Information Commissioner's Office (ICO) is the UK's data protection watchdog and has the power to fine those who are in breach of Section 55 of the DPA. "The current penalty for committing the offence is a maximum £5,000 fine if the case is heard in a Magistrates Court and an unlimited fine in a Crown Court," the ICO said.

Under the Criminal Justice and Immigration Act (Act) the Justice Secretary has the power to introduce new regulations that would allow a custodial sentence penalty to be available for blagging offences under Section 55 of

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the DPA, but those powers have yet to be used.

In 2008 the Act came into force without those powers being immediately available. The ICO said that a previous Government consultation on "increasing penalties for wilful misuse of personal information" in 2006 had prompted overwhelming support for jail sentences to be handed out as part of the new laws.

The Information Commissioner told MPs on the Justice Select Committee about his concerns that current focus on alleged blagging activities by the media risked delaying the introduction of the Act's powers which he said were needed to tackle other areas of business, according to the BBC.

"My great concern about Section 55 isn't really very much to do with the press," Graham said, according to the BBC's report.

"[There is] lots and lots of evidence of section 55 being breached on quite a routine basis, but it's really about financial services, about debt collection, about claims management companies and [about] some worrying interference with the course of justice, perhaps attempted jury nobbling or witness tampering. I'm very concerned [the push for new jail sentence powers] is now getting caught up in the reeds of the Leveson inquiry. I'm now concerned that everything stops because of Lord Justice Leveson's inquiry and we can't get on with putting in place this very necessary deterrent," Graham said, according to the BBC's report.

Lord Justice Leveson is leading an independent inquiry into the culture, practices and ethics of the press. The inquiry was established following recent allegations of phone hacking in the industry.

"Blagging isn't hacking, but the issue has got caught up in the controversy over press behaviour," Graham said in the ICO's statement.

"Unfounded concerns about press freedom were a distraction in 2008 and they should never have halted the introduction of stronger sanctions. They should not delay any further the commencement of the powers needed to combat this modern scourge," Graham said.

Graham made his comments at the same time as the ICO reported that a bank cashier had "pleaded guilty to using her position to access illegally the personal details of a sex attack victim" following the conviction of her husband for the attack.

"[Sarah] Langridge viewed the victim's account records including her personal details, current account entries, lending records and employer details," the ICO's statement said.

"Langridge was fined £800, made to pay £400 costs and a £15 victims' surcharge in a hearing at Brighton Magistrates Court," the statement said.

Graham described the case as "truly shocking" and said that he "remained concerned that the courts are not able to impose the punishment to fit the crime in all cases".

The ICO reported an 18% increase in "reported allegations of Section 55 offences" during 2010 to 2011 compared with the figures during 2008 to 2009.

Full Article:

<http://www.out-law.com/en/articles/2011/september/debt-and-claims-companies>

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