

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
T. 0303 123 1113 F. 01625 524510  
mail@ico.gsi.gov.uk www.ico.gov.uk

Tom Watson MP  
House of Commons  
London  
SW1A 0AA

6 June 2011

*Dear Mr Watson*

**News Group Newspapers – ICO case reference COM0361345**

I refer to our previous correspondence and in particular my letter of 15 December 2010.

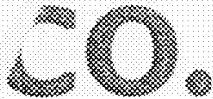
As you are aware matters relating to the Sheridan trial and the supposedly lost emails have been the subject of a good deal of press coverage over the past six months. I can assure you that my colleagues in our Enforcement Team have been trying to pursue the issues raised, both in your letter, and also in certain press reports.

I have asked News Group Newspapers Ltd (NGN) a number of detailed questions about the apparent discrepancies between oral evidence presented to the courts and comments on the same circumstances reported in the press. I refer in particular to the alleged 'loss' and apparent subsequent 'recovery' of a number of emails, which may or may not impact on this case.

News Group Newspapers Ltd have declined to provide meaningful answers to most of my questions pointing out that the matters in question continue to remain sub judice pending final decisions being made in respect of an appeal application. While I do have powers which I could use to require NGN to answer my questions, these are themselves subject to appeal. The legal advice that I have received is that, in the circumstances, an appeal against an information notice would be most likely to succeed. I am, therefore, not in a position to pursue this matter further - at the moment.

We do have continuing concerns about certain aspects of the evidence submitted to the courts, but I am conscious that it may be some time before these can be pursued. In the meantime, I am unable to conclude whether it is likely or unlikely that there has been a breach of Principle 7 of the Data Protection Act (DPA).





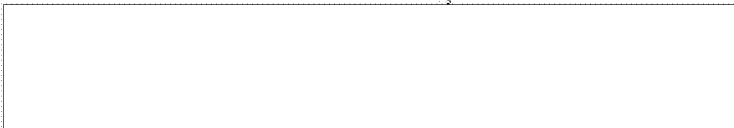
Information Commissioner's Office

Even if we are eventually able to proceed further, it seems increasingly unlikely that I will then be in a position to conclude that there was a breach of Principle 7 of the DPA of such significance that I could reasonably take action. I come to this view because of the length of time that will have passed, the assertion that the emails in question were not in fact 'lost' and the lack of evidence of any damage or distress to the data subjects of the emails.

One matter that NGN have addressed is the international transfer of personal data. They have assured me that although they outsource some activities to an Indian business, and despite what was said in court, no emails or related personal data were ever transferred to India. I have not seen any evidence to contradict this assertion and, in the circumstances, am not able to investigate further. The only conclusion I can reasonably reach is that it is likely that NGN did in fact comply with Principle 8 of the DPA.

Should the current situation change substantially, and further actions by this office prove warranted, I would review the matter. Without such a development there is no further action I can take.

*Yours sincerely*



Christopher Graham  
Information Commissioner

Telephone:  
Email:

