



Welcome to the 22nd issue of our quarterly Newsletter.

Next issue July 2006

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New Courses from Act Now

The Summer programme is now on our website. We have added a number of new courses. Autumn programme is still in draft for but you can see it on our website.

Islam and Muslims: Myths & Misunderstandings <http://www.actnow.org.uk/dpschools/islam.pdf>
Giving Effective Evidence <http://www.actnow.org.uk/2006/evi.pdf>
Drafting Witness Statements <http://www.actnow.org.uk/2006/stat.pdf>

We also continue to run the old favourites as well as expanding into new areas such as employment law, procurement law and antisocial behaviour.

Summer Programme <http://www.actnow.org.uk/sum06.htm>
Draft Autumn Programme <http://www.actnow.org.uk/aut06.htm>

Act Now Bulletin Board

After years of subscribing to others Act Now has launched its own bulletin board (or discussion forum). It's free; Over 90 have signed up and there's many views and quite a few posts; It does have the first forum on RIPA, RIPSAs & SPOC issues and it also has a forum for Data Protection and another for the 3 interlinked subjects of FOI, RM and ROPSI.

Click on <http://www.actnowtraining.co.uk> to have a look and join in

Legal Advice from Ibrahim Hasan

Ibrahim Hasan, a director of Act Now Training and a qualified solicitor, has for the past few years concentrated on training on information law including data protection, freedom of information law and surveillance law. Having built up an impressive public sector client base, Ibrahim has noticed a gap in the market as far as legal advice in these areas is concerned. Too often he has noticed that his clients have to take advice from solicitors or barristers who do not know how the public sector operates. Ibrahim is a leading authority on these areas of law with several years of experience as a local authority solicitor. Due to popular demand Ibrahim is about to re commence giving legal advice to public sector clients all aspects of information law.

To know more about Ibrahim go to <http://www.ibrahimhasan.com>

Awareness Training & Compliance Audits from Paul Simpkins

Most staff don't need an intensive full day Act Now Training course, good as they are, but need a general awareness. Paul has developed a half day awareness course called Access to Information which covers all the relevant legislation (DP, FOI, HRA, RIP, EIR) and is targeted at staff who handle information and who need to understand the basics. This can be delivered at your premises enabling you to train large numbers at reasonable cost.

Paul also offers a DP or FOI health check which includes a site visit, interviews with key staff and a report with an analysis of your organisation's compliance.

To see more about these services and courses see <http://www.paulsimpkins.com>

FREEDOM OF INFORMATION

1. Schedule 12a Local Government Act 1972

Readers will remember the consultation exercise carried out in September 2004 on proposed amendments to Schedule 12A of the Local Government Act 1972. Three new Statutory Instruments came into force on 1st March 2006. The idea is to make the local government access to information regime compatible with the Freedom of Information Act. The new SI's are:

- the Local Government (Access to Information) (Variation) Order 2006 (Statutory Instrument 2006 No. 88)
- the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 (Statutory Instrument 2006 No. 69)
- the Relevant Authorities (Standards Committee) (Amendment) Regulations 2006 (Statutory Instrument 2006 No. 87)

The key points are that the exemptions to disclosure have been vastly reduced in number and most of the exemptions are subject to a public interest test. Click on these links for the SI.

<http://www.opsi.gov.uk/si/si2006/20060069.htm> SI 69

<http://www.opsi.gov.uk/si/si2006/20060087.htm> SI 86

<http://www.opsi.gov.uk/si/si2006/20060088.htm> SI 88

2. Drafting FOI Refusal Notices

Good practice guidance regarding Refusal Notices under the Freedom of Information Act is now available on the Information Commissioner's website. See the link below:

<http://www.ico.gov.uk/eventual.aspx?id=9189>

We are also running a new practical FOI workshop which is suitable for all those who are in charge of FOI compliance and advice within an organisation. It is packed full of exercises and real life case studies designed to teach delegates the key factors to be considered when drafting decisions about exemptions. The latest guidance and decisions from the Information Commissioner will be discussed. Time will also be devoted to practising the drafting of Refusal Notices, a subject which the commissioner has drawn attention to in his decisions.

We have already run this workshop in London, Edinburgh (FOISA) and Belfast. Places are very popular so book early to avoid disappointment:

3. FOI and Contracts

FOI continues to be used to get access to information about projects, contracts and commercial information. An American gaming corporation has failed in a High Court attempt to prevent the Birmingham Post from publishing financial information and contractual details of a super-casino at the new Birmingham City stadium <http://digbig.com/4hagt>

Some other recent stories on this topic are:

A hospital and its car park <http://www.newsandstar.co.uk/news/viewarticle.aspx?id=347277>

A council and a supermarket <http://digbig.com/4hagw>

A council, a union and outsourcing <http://www.egovmonitor.com/node/4697>

Avid watchers of this subject will be aware of the decision by the commissioner involving the National Maritime Museum (Case Ref: FS50063478 Date: 20/6/05). The complainant requested documents and correspondence relating to any payments made to Conrad Shawcross for his exhibition "Continuum" which was staged at Queen's House at the NMM. This exhibition was part of NMM's New Visions series. NMM argued that to release the information would prejudice their own and Mr Shawcross' commercial interests citing Section 43 (2) and that the public interest in maintaining this exemption outweighed the public interest in disclosing the information. NMM explained that they were involved in active negotiations with the next proposed artist in their New Visions series at the time the FOI request was made. In ICO's view, the public interest in protecting NMM's bargaining position during active and contemporaneous negotiations for a project of a similar nature overrides, for the time being, the public interest in releasing the financial details of the negotiations which immediately preceded those active negotiations. It was noted that as a consequence of this decision, the potential prejudice to Mr Shawcross' commercial interest will also be avoided because the requested information relates to both parties. However, ICO believed that the potential prejudice to Mr Shawcross' commercial interests is not, in itself, sufficient reason to maintain the exemption. The complainant has lodged an appeal.

This decision has now been overturned by the Information Tribunal. See link below for the full decision <http://digbig.com/4haqx>

The Tribunal ruled that disclosure of the information sought would not be "likely to prejudice" the commercial interests of the Museum because it had already disclosed a lot of information that would be of use to those with whom it was in negotiations and some details of the actual contract with the artists had already been disclosed. Finally the tribunal noted that the works of art were different to each other and so there could not really be a true comparison.

We have an article on our website about the disclosure of commercial information, the applicable exemptions and recent decisions by the Information Commissioner. It also looks at recent decisions involving the legal privilege exemption.

We are also running our very popular workshop on this topic throughout the UK. We have extended it from half day to a full day course with many more exercises and case studies. Click below for details:

<http://www.actnow.org.uk/2006/foicon.pdf>

4. FOI and Schools

Freedom of Information continues to have a big impact on schools. Recent Decision Notices by Information Commissioner include

Governing Body of Ashcombe Primary School, Weston Super Mare. Request sent in on 11th January; School response on 18th April. Commissioner decided that the school was in breach of Section 10(1) of the Act.

Blyth Bridge High School, Staffordshire. Request received 3rd January; School responded on 28th February; Commissioner decision is that school breached section 10(1) of the Act.

Although no enforcement action was recommended in these cases the schools are listed on the Internet as an organisation which failed to comply with the Freedom of Information Act. Remember schools are separate public authorities for FOI purposes and requests cannot simply be passed on to the LEA. It is important that all school staff and governors are aware of the Act and how to deal with requests.

Act Now is repeating its very successful half day DP/FOI seminars for schools throughout the UK. If you would like to make a block booking or you want the event to be held in your area let us know. We also run course for schools on child protection law and understanding Islam and Muslims

See <http://www.dpschools.info> for details of all our schools courses

5. New Resources

The BBC now has a page on its website to bring together news stories based on using FOI:

<http://www.bbc.co.uk/foinews>

6. Information Tribunal cases pending

http://www.informationtribunal.gov.uk/pending_appeals/pending_appeals.htm

7. Information Rights Journal

The DCA has produced the second issue of its information rights journal:

<http://www.foi.gov.uk/irj220206.pdf>

8. Disclosure Logs

The DCA have just published their codes of practice on disclosure logs.

http://www.foi.gov.uk/guidance/disclosure_logs.pdf

Steve Wood in his excellent FOI blog has a growing list of such logs

<http://foia.blogspot.com/log.htm>

9. The Next Big Thing

The Re use of Public Sector Information Regulations. These came into force on 1st July 2005 and apply throughout the UK. They require public authorities to produce an Asset List of all information they hold which could be useful to the private sector. They then have to consider any requests to re use such information and decide how much to charge.

There is a full article on our website. We think this is the next big thing. We are doing workshops throughout the UK. The Manchester and London events have been expanded to a full day to cover copyright as well. An understanding of this topic is essential for complying with the Re Use Regulations.

<http://www.actnow.org.uk/2006/ropsi.pdf>

Short Stories

FOI fees to change?

<http://www.guardian.co.uk/freedom/Story/0,,1708092,00.html>

Lord Chancellor speaks

<http://www.dca.gov.uk/speeches/2006/sp060211.htm>

Commissioner needs more staff?

http://news.bbc.co.uk/1/hi/uk_politics/4701720.stm

FREEDOM OF INFORMATION IN SCOTLAND

10. FOISA Blog

For the latest stories see the excellent FOISA Blog <http://foisa.blogspot.com>

11. Commissioner Decisions

The Scottish Commissioner continues to make some very interesting decisions. The latest decisions can be viewed here:

<http://www.itspublicknowledge.info/appealsdecisions/decisions/index.php>

We are re running our very popular FOISA Exemptions workshop which includes checklists and exercises on how to draft FOISA decisions. The latest decisions and guidance from the Scottish Commissioner will also be discussed. See <http://www.actnow.org.uk/2006/ex.pdf>

12. Scottish Commissioner Annual Report

The Scottish Information Commissioner has published his annual report, stating that the "Scottish public has embraced freedom of information with vigour and enthusiasm in its first year of operation in Scotland." Key figures noted in the report include

- public awareness of FOI up by 64 per cent
- Commissioner received 571 appeals and almost 2,500 enquiries in 2005
- 55 per cent of appeals from ordinary members of public
- seven per cent of appeals from journalists and 20 per cent from solicitors
- 18 per cent of appeals about authorities failing to respond to a request

<http://www.itspublicknowledge.info/aboutus/annualreport2005.htm>

13. FOISA Conference Report

Our Scottish FOISA Conference in Edinburgh on 7th February 2006 was very well attended. We were delighted to host a keynote address by Kevin Dunion, the Scottish Information Commissioner. Other key speakers include Rob Edwards of the Sunday Herald, Kelly Harris from Sheppard and Wedderburn, David Goldberg from the Campaign for Freedom of

Information in Scotland, Jane Mackenzie from the Scottish Executive and Alan Graham from Stirling Council. Our thanks to all our speakers and delegates.

For a full conference summary see: <http://www.actnow.org.uk/2ndFOISASummary.pdf>

David Goldberg from the Campaign for Freedom of Information in Scotland has kindly let us have an electronic copy of the excellent speech he gave at the conference. See the link below:

<http://www.actnow.org.uk/David%20G.pdf>

14. Committee business confidential?

See this article from the Scotsman. "Freedom of information suppressed by secretive Holyrood - Critics say up to a third of committee business is in private"

<http://news.scotsman.com/scotland.cfm?id=4272005>

<http://www.show.scot.nhs.uk/fhb/Papers/Fife%20NHS%20Board%20Meetings/AGENDA.doc>

15. Charging system for FOISA?

Scottish Ministers are considering introducing a new charging regime for freedom of information requests to cut down on the number of inquiries made, it emerged last night.

<http://news.scotsman.com/index.cfm?id=272592006>

Stories in the Press

<http://www.eveningtelegraph.co.uk/output/2006/01/27/story7971348t0.shtm>

DATA PROTECTION

16. Durant and Personal Data

Michael Durant is set to appeal to the European Court of Human Rights, following his defeat in the House of Lords. A decision could take several years.

ICO has produced new guidance on person data. It appears to be an expansion of previous guidance on Durant and includes helpful examples of personal data and relevant filing systems. It also includes a FAQ section at the end and a quick guide to understanding relevant filing systems.

http://www.ico.gov.uk/cms/DocumentUploads/Durant_27_feb_06.pdf

The other big case in this area is Mr. Paul Johnson against the Medical Defence Union (MDU) in the High Court. Justice Rimer has some interesting points re manual files and microfiche (they're not covered by DPA).

We have revised our access to personal data workshop to make it a full day. This highly practical full day workshop is designed to examine the key considerations around giving access to personal data. The workshop style of the course means that delegates will get a chance to explore the issues thoroughly using plenty of case studies and group discussions.

Click here for full details <http://www.actnow.org.uk/2006/subacc.pdf>

For a new angle on 'personal data' see below

http://www.theregister.co.uk/2006/02/10/employees_chipped/

17. Latest ICO Data Protection Good Practice Notes

- **How does the Data Protection Act apply to professional opinions?**
This good practice note aims to inform organisations and practitioners about some of the data protection issues that arise in relation to the information about individuals that they record in their professional opinions. The information in this note may also be of interest to individuals. <http://digbig.com/4haqk>
- **Pension Trustees and their use of administrators**
This good practice note explains to pension trustees how to comply with their obligations under the Data Protection Act 1998 (the Act) when they use pension administrators to help them run a pension scheme. <http://digbig.com/4haqm>
- **Subject Access and Employment References**
This good practice note clarifies how the Data Protection Act 1998 applies to employment references. The recommendations also apply to other types of reference, such as those provided for educational purposes. <http://digbig.com/4gara>

See also our course on Data Protection and Employee Data: How to deal with employee data in the light of the DPA and the new consolidated code of practice. There is also an article by Tim Turner on this topic on our website. Click on <http://www.actnow.org.uk/hra.pdf>

- **Disclosing Information About Tenants**
This good practice note answers some frequently asked questions from landlords about how the Data Protection Act 1998 applies to them, the information they hold about their tenants and information held on their behalf by a letting agent. <http://digbig.com/4frac>
- **Individual's Right of Access to Examination Records**
This good practice note explains the right to access examination records under the Data Protection Act 1998. The Freedom of Information Act 2000 (FOI Act) also gives individuals the right to access other (non-personal) information held by public authorities. <http://digbig.com/4haqn>
- **Providing Personal Account Information to a Third Party**
This good practice note is aimed at helping people to decide whether or not to give information to third parties calling on behalf on an account holder. <http://digbig.com/4haqp>

18. Data Protection and Marketing

ICO has produced two good practice notes aimed at helping businesses, political parties and charities understand the 'dos and don'ts' of electronic mail marketing and gives an overview of the rules in the Privacy and Electronic Communications Regulations.

Electronic Mail Marketing <http://digbig.com/4frgw>

Charities and Marketing Practice Note <http://digbig.com/4frqx>

Telephone marketing by a political party <http://digbig.com/4haha>

The BBC has done more work in this area including a video! <http://digbig.com/4hahb>

There is an article on our website by Tim Turner on this topic. <http://www.actnow.org/dpmar.pdf>

We have a special workshop on this topic. <http://www.actnow.org.uk/2006/dpmar.pdf>

19. Data Sharing Lawfully

The DVLA data sharing consultation ended 31 March 2006 See

http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_611202.hcsp

Data Protection and Human Rights are a key feature in the review

See Section 27 and 28 of the SI 2002/2742 re current statutory basis for vehicle keeper data sharing in UK - last para section 28 has strong DPA compliance link. The DoT consultation paper omits referencing section 28 placing the emphasis on section 27 and the 'reasonable cause' definition as current basis for sharing./ trading in data. Section 28 restricts what can be shared in terms of personal data.

<http://www.opsi.gov.uk/si/si2002/20022742.htm>

Data Sharing and Data Matching are issues which have raised grave concerns in the public sector of late. Media stories e.g. the Soham trial, the Bichard Inquiry, the Climbie Report and the British Gas case suggest that there is widespread ignorance of the extent to which these activities can be carried out lawfully by public sector organisations and other agencies. With the introduction of Entitlement/Identity Cards this will be even more of a hot topic. This practical course will guide you through the maze of legislation in this area and give you a checklist for compliance. We have delivered this course successfully for many organisations including throughout Scotland for the Scottish Executive and joint working partnerships in the area of health and social care.

We will look at the relevant laws on data sharing including DPA, Human Rights, the law of confidence etc. Full details click on <http://www.actnow.org.uk/2006/dshare.pdf>

20. FOI v DPA and Human Rights

The US Defence department has been forced to disclose the names of prisoners at Guantanamo Bay. The ruling by a US court was under the US Freedom of Information Act. The Defence department tried to argue that the human rights (privacy) of the individuals would be compromised.

<http://news.bbc.co.uk/1/hi/world/americas/4771774.stm>

<http://news.bbc.co.uk/1/hi/world/americas/4773396.stm>

Amnesty has more on Camp X Ray <http://web.amnesty.org/pages/quantanamobay-index-eng>

I remember a few years ago the FCO here tried to stop parents knowing about allegation made

by their children whilst in US custody. The FCO claimed that to disclose would be a breach of the DPA.

<http://politics.guardian.co.uk/atta...1294697,00.html>

These cases are interesting as where privacy, FOI, DPA and national security meet and clash!

21. DPA and Schools

Schools seem to have a lot of trouble understanding the Data Protection Act and their responsibilities. See the story below:

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/01/30/nsurb30.xml>

ICO has produced a good practice note (link below) aimed at Local Education Authorities and those working within Schools, Colleges and Universities.

http://www.ico.gov.uk/cms/DocumentUploads/Taking_Photos_in%20schools_Version_2.pdf

CRB checks on staff are the latest hot issue to worry schools. This followed all the controversy around Ruth Kelly's decision to allow convicted paedophiles to work in schools:

<http://www.timesonline.co.uk/articl...1988729,00.html>

<http://www.timesonline.co.uk/articl...1986093,00.html>

When you look behind the headlines of the Gibson case, the matter does not seem entirely black and white! See also our course on Data Sharing above. Act Now has a dedicated website for schools and training. We run courses on all aspects of data protection law schools as well as child protection law. On the home page there are links to downloadable Word files with suggested fair processing notices for schools. See <http://www.dpschools.info>

22. Electoral Registers

The Draft SI on Representation of the People (England and Wales) (Amendment) Regulations 2006 sets out the new arrangements for the supply and copying of electoral registers and can be accessed from <http://digbig.com/4haqw> The draft SI is number 0110739523.

23. Data Retention Periods

Anyone interested in this subject must read and understand the House of Lords decision in the case of Marper. It is the legal underpinning of all the Government's data retention arguments (e.g. communications data). I attach a reference and the main reason why Marper is important to data retention whether it be DNA database, ID Card database or otherwise. Note that a Fifth Principle argument is still a possibility as Marper only discussed HRA angles. Marper is key to understanding retention policies

Regina v. Chief Constable of South Yorkshire Police (Respondent) ex parte LS (by his mother and litigation friend JB) (FC) (Appellant) Regina v. Chief Constable of South Yorkshire Police (Respondent) ex parte Marper (FC) (Appellant)

Session 2003-04- [2004] UKHL 39 on appeal from: [2002] EWCA Civ 1275 and [2002] 1 WLR 3223

24. Whistleblowers and Privacy Rights

The EU's Article 29 Working Party on Data Protection recent issued its opinion on whistleblowing compliance. Although not binding such opinions are influential and will be of interest to all organisations with a whistleblowing policy. See the link below:

http://europa.eu.int/comm/justice_home/fsj/privacy/docs/wpdocs/2006/wp117_en.pdf

25. DNA & the Ripper hoax

If the hoaxer hadn't been arrested for a minor offence his DNA would not have been taken and may have never been caught. See

<http://www.westyorkshire.police.uk/section-item.asp?sid=12&iid=2214>

No conviction is required you merely have to be arrested to enable a DNA sample to be taken. Once taken the police can retain DNA samples even if no crime is subsequently shown to have been committed by either a refused charge or a not guilty verdict.

Simple measurements of growth in the size of the DNA database against the number of actual convictions should provide a method of identifying a level of the more intrusive or unnecessary collection, whilst looking at the relevance of DNA to any crime(s) committed, or their detection, could provide other measures of adequacy, relevance and proportionality. Just as logical would be using arrest figures as a measure to determine how many tests were not taken. As with many matters progress can be measured in various ways

26. Access to deceased Persons Records

In R (on the application of Addinell) v Sheffield City Council QBD unreported 27 Oct. 2000.....Sullivan J. upheld the decision of Sheffield City Council to refuse the father of a dead teenager access to his son's social service records on the grounds that the boy had a right to privacy. If art.8 (1) allows the disclosure of information about a deceased minor to be refused to a close relative then, arguably, close relatives should have standing to enforce an obligation of confidentiality owed to the deceased during his lifetime (assuming that art.8(2) does not justify disclosure), particularly if the disclosure is threatened by a public authority." Taken from UEA's law resources page on confidentiality.

Worth looking here as well <http://www.the-bereavement-register.com/uk/>

27. www.b4usearch.com & Section 10 notices

You just enter a name and a location and it will bring up all details of address and telephone numbers from electoral registers and directory listings as well as any other website reference.

I have contacted ICO and they say that as the information has been lawfully obtained, there is nothing really that can be done. The organisation has purchased old electoral registers and so in many cases, the information is out of date and therefore this breaches DP on an individual but it is up to the individual to ask for the information to be deleted.

We are sending an email to all employees to send an email to privacy@B4U.co.uk asking for information to be removed. If the request has not been actioned within 21 days, we are suggesting that the individual complains to the Information Commissioner's Office.

Advert - Records Management Officer

The Institute of Cancer Research is looking for a Records Management Officer (2 year fixed term contract) to assist with the development and implementation of a records management programme within corporate and research functions. The job will be based across our two sites in Sutton, Surrey and Chelsea, London. It will involve working closely with all sections across The Institute and with all levels of staff. This post offers an excellent opportunity to develop your professional skills and undertake new challenges. You should have a professional qualification in records management or have equivalent experience, and be able to communicate well, both in writing and orally. You should have a sound knowledge of records management issues, excellent IT skills, be self-motivated and have experience of delivering results on time.

Salary range £20,833 - £24,038 per annum, depending on experience and qualifications.
Closing Date: 18 April 2006 REF: CORP79

Link to download full advert http://www.icr.ac.uk/jobs/current_vacancies/4948.shtml

SURVEILLANCE LAW

28. A Single Point Of Contact article

Some authorities are failing to reap the benefits of a system to gather information about telephone subscribers, says Keith Eaglestone, head of the Trading Standards team at Slough Borough council.

All law enforcement agencies accept the need to use confidential information about telephone subscribers. Matching the number to a person in the course of a legitimate investigation has always been perfectly legal, subject, of course, to strict regulation.

Some readers may recall that several years ago in Gloucestershire we developed a service (called TNES) which acted as the national single point of contact for all Trading Standards departments. Although the service was successful in handling thousands of requests a year – winning two national awards for its contribution to protecting consumers – it closed in December 2002. This was largely as a result of the impending introduction of the Regulation of Investigatory Powers Act in that it permitted a non-public authority to act as a single point of contact (SPoC) ‘clearing house’ but not a public authority.

Investigating officers were now faced with the problem of seeking out information from the Communications Service Providers (CSPs) on their own. There are now around 400 CSPs.

Anticipating a large increase in the number of authorised authorities, Singlepoint Data Services Limited was created in May 2003 – with support and encouragement from the Home Office and the working group from ACPO to act as a ‘clearing house’ between the new authorities and the CSP’s.

There are now 2 ways of obtaining information from CSP’s. Enforcement agencies could either create their own internal process, including the creation of a SPoC or, as an alternative, they could contract out to a ‘clearing house’ one very similar to Gloucestershire’s.

Click to read the article in full. <http://www.actnow.org.uk/ts.pdf>

29. Singlepoint Data Services Limited

This is company established with the sole objective of enabling Service Providers, Public Authorities and other communications operators to fulfil their obligations in respect of communications data under the Regulation of Investigatory Powers Act 2000.

Singlepoint Data Services Limited, led by a team of specialists from the computing, telecommunications, security and legal sectors, provides a comprehensive service: from consultancy and training to a fully outsourced solution, managing data requests and delivering responses on behalf of our clients.

Based in South Yorkshire, we have developed our own on-line platform incorporating proprietary software and applying best practice in physical and electronic security.

For more information click on <http://www.singlepoint-dataservices.co.uk>

30. Revised Code of Practice: Communications Data

The Regulation of Investigatory Powers Act 2000 (RIPA) now gives local authorities and other public sector organisations, including fire and ambulance services, access to communications data e.g. mobile phone, postal and website data. There is an article on our website about this issue.

The RIPA Accessing Communications Data Revised Draft Code of Practice (CoP) is now out for public consultation. Para 3.11 states:

“Individuals who undertake the role of a Designated Person must have current working knowledge of human rights principles, specifically those of necessity and proportionality, and how they apply to the acquisition of communications data under Chapter II of Part I of the Act and this code. “

Further changes to the CoP from the previous version include:

- A requirement to have a Senior Responsible Officer
- Changes to the Home Office Standard forms
- New forms issued
- More guidance on roles and responsibilities
- Further guidance on cancellations, renewals and record keeping

To read the revised CoP see <http://digbig.com/4hahd>

See also our new course for Designates Persons, Investigators and Senior Responsible Officers <http://www.actnow.org.uk/2006/comms.pdf>

This practical course will discuss the law and practice in this area. It is suitable for all public authority officers at all levels; from those with no knowledge, to SPOC's who wish to refresh their knowledge and understanding.

We are still running our ever popular Home Office Accredited SPoC Course:

<http://www.actnow.org.uk/2006/spoc.pdf>

31. Surveillance Stories

<http://www.guardian.co.uk/bigbrother/privacy>

The above links takes you to the Guardian's surveillance section. It has excellent stories about how Big Brother is watching every aspect of our lives

32. The Other Blair

Colleagues will have noticed this story about Ian Blair recording telephone conversations with officials. <http://news.bbc.co.uk/1/hi/uk/4801032.stm>

The BBC only offers a short paragraph on the legalities. We think it turns on in what capacity was he recording the calls. See our article on Surveillance of Communications on our website. DPA, RIPA, HRA or all three ? Feel free to post your views on our surveillance law bulletin board where you can discuss all issues regarding RIPA and watching people <http://www.actnowtraining.co.uk/forum/>

In house Training

Act Now trainers also deliver in-house training at your site. In the last three months we have done in house training on FOI, EIR, RM, DPA, Data Sharing and RIPA for North East Derbyshire District Council, Pan Grampian E Care Project, South Holland District Council, Wakefield Council, Wrexham Council, Northern Centre for IP Excellence, Solicitors in Local Government, Camden Council, Melton Mowbray Council, North Yorkshire Fire & Rescue Service, John Moores University, Liverpool. If you want us to deliver training at your site please contact us. At your site you control the numbers of delegates and can deliver training at £20 or £30 per delegate. You also provide the venue at little or no cost to your organisation and your staff don't incur travelling expenses. Obtain best value - bring the trainer to you!

Contact our in house co-ordinator at actnowtraining@yahoo.co.uk

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