



Welcome to the 21st issue of our quarterly Newsletter.

Next issue April 2006

If you've received this from a colleague and would like to subscribe in your own right you can do so at <http://www.actnow.org.uk> and choosing Newsletter from the Resources tab. Anyone who wishes to unsubscribe can do so on the same page. This newsletter contains links to other websites. We cannot be responsible for content or availability of other sites. Please read the disclaimer and copyright notice at the end of this newsletter. See a full privacy policy on our website.

In this issue

Freedom of Information

1. Possible Changes to FOI Act
2. First Information Tribunal Decisions
3. FOI, Contracts and Commercial Confidentiality
4. FOI Progress Reports
5. Survey on NHS FOI compliance
6. IDEA Local authority Survey Report
7. FOI Exemptions Guidance
8. FOI and Schools
9. Information Commissioner Backlog
10. Librarian Guidance on FOI
11. Planning Retention Guidance
12. Identities of requestors in Disclosure logs
13. Higher Education Survey on how HE coped with the first year of FOI

Freedom of Information in Scotland

14. Scottish Commissioner Decisions
15. FOISA Review
16. FOISA continues to make the headlines
17. Guidance for Scottish Archives
18. FOISA blog
19. SIC Decision Notice Database.

Data Protection

20. House of Lords Dismisses Durant
21. New DPA Courses.
22. DPA Book
23. Disclosure of Personal Data
24. Use of NINO
25. My right to be private
26. Spammer convicted
27. Radio 4's "You and Yours" feature on call centres security.
28. Housing Act
29. Students' Rights to Exam Information
30. Mystery conference
31. Soliciting business in the internet premium rate dial-up fraud?
32. Mailinator – a novel slant on email and privacy policies
33. Article 29 Working Party
34. Disclaimers on emails

RIPA & Surveillance

35. New RIPSAs/RIPA Book
36. Surveillance Society
37. Access to Communications Data Workshop
38. The Next Big Thing

Welcome back to work after the 11 day break. Welcome also to Year 2 of Freedom of Information and Year 22 of Data Protection.

Paul & Ibrahim

New Courses from Act Now

The new Spring and Summer programme is now on our website. We have added a number of new courses:

Conducting an Information Audit
Disability Discrimination Act.
FOI Exemptions workshop
FOISA Exemptions Workshop
RIPA: Accessing Communications Data
Data Sharing, the Law and Practice
Access to Personal data under DP & FOI - new full day course

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

Act Now Bulletin Board

After years of subscribing to others Act Now has launched its own bulletin board (or discussion forum). It's free; Nearly 50 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

FREEDOM OF INFORMATION

1. Possible Changes to FOI Act

The government is considering changing the year-old Freedom of Information Act to limit so-called frivolous inquiries. Writing in the Guardian, the Lord Chancellor Lord Falconer said the new laws had successfully cracked open "the culture of secrecy in Whitehall". But a minority of requests had been made simply to feed the "wilder fevers of journalistic wish-lists", he said.

http://www.guardian.co.uk/uk_news/story/0,3604,1675760,00.html

Lord Falconer also told the BBC the scope of the Act could be widened to include private bodies running public services.

<http://news.bbc.co.uk/1/hi/uk/4570956.stm>

2. First Information Tribunal Decisions

The first FOI decisions have been made by the Information Tribunal

<http://www.informationtribunal.gov.uk/decisions/decisions.htm>

The cases involve :

Bridgnorth District Council - Guidance on what is a court record?

Inland Revenue - The Tribunal found that the Commissioner had been wrong to allow the Inland Revenue to reject a request which was based on criticism of its performance which the Revenue did not accept. The Tribunal rejected the view that the request was “framed in general and subjective terms” and criticised the investigation of the case.

The Royal Mail – The decision establishes that information which an authority has deleted from its computer systems, but which is still held on a back-up system, is covered by the FOI Act. This overturns guidance issued by both the Department for Constitutional Affairs and the Information Commissioner.

The Campaign for Freedom of Information has published an article discussing these three decisions <http://www.cfoi.org.uk>

3. FOI, Contracts and Commercial Confidentiality

FOI continues to be used to get access to information about projects and contracts and commercial information:

BBC paid £15.5million in staff bonuses while bidding to axe 3,780 jobs over the next 3 years. <http://digbig.com/4ftrm>

No one is entitled to know how much the artist Shawcross was paid for the temporary installation, even though the museum receives £15 million of taxpayers' money each year. <http://entertainment.timesonline.co.uk/article/0,,14929-1881691,00.html>

This is the most interesting story especially for all those councils seeking to disclose information about their contractors:

An American gaming corporation is threatening a High Court injunction to prevent The Birmingham Post from publishing financial information and contractual details of a super-casino at the new Birmingham City stadium. Las Vegas Sands said it would take legal action to stop Birmingham City Council releasing the content of a legal agreement it signed with Las Vegas Sands and Birmingham City FC. The threat followed a Freedom of Information Act application by the Post requiring the council to release the agreement, which binds the council, Las Vegas Sands and the football club to work together until 2009 in an attempt to secure a casino at the Wheels site in Saltley. It is believed to be the first time under the Freedom of Information Act that a council has acted in favour of the public interest but a third party has wanted to prevent publication. <http://digbig.com/4ftrn>

We have a new 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.

4. FOI Progress Reports

Lots of research has been published recently showing the impact of FOI on different sectors:

Central Govt Freedom of Information statistics July - September 2005 : The third quarterly report providing statistics on implementation of the Act across central government covers July to September 2005.

Departments of State reported receiving a total of around 3,800 "non-routine" information requests during the third quarter of 2005 ("Q3"). Other monitored bodies received a total of around 3,700 requests. Across all monitored bodies, around 7,500 requests were received, of which 91 per cent had been processed at the time of monitoring.

During Q3, 90 per cent of all monitored bodies' requests (excluding those "on hold" or lapsed) were "in time", in that they were processed within the statutory deadline* or were subject to a permitted deadline extension. This represents an increase on the equivalent figures from Q1 (83 per cent) and Q2 (88 per cent).

Across all three quarters combined, monitored bodies had a cumulative total of 993 requests referred for Internal Review on the grounds that information was withheld. Of the 766 Internal Reviews with a known outcome at the time of monitoring, 78 per cent resulted in the request's initial handling being upheld in full. <http://www.foi.gov.uk/stats-julsep05.pdf>

5. Survey on NHS FOI compliance

IT Software firm Sibilo have published a report they have commissioned from Centre for Research in Information Management in the University of Manchester. 40% of the NHS Trusts did not respond to the university's FOI request.

Read http://www.datasmart.co.uk/e-governwhat/survey_nhs05.html

6. IDEA Local authority Survey Report

Local authorities in England received 35,406 FOI requests in the first six months of the Act's operation. The report carried out by UCL, found that most requests (60%) had come from private individuals, 18% had come from businesses, and 10% from journalists – who accounted for some of the most problematic requests. Sixty-eight percent of the 200 local authorities responding to the survey did not charge applicants for dealing with FOI requests. Of those authorities that did charge, 73% only charged for the costs of disbursements, such as postage. Most authorities did not think the time and money spent in charging would be cost-effective. The full report is on the IDEA's web site. <http://www.idea-knowledge.gov.uk/idk/aio/1232143>

7. FOI Exemptions Guidance

One of the key areas of difficulty for FOI practitioners and advisers are the FOI exemptions. UCL Constitution Unit have developed a useful breakdown of the ICO decision notices by sections of the FOIA

<http://www.ucl.ac.uk/constitution-unit/foidp/resources/ICO-Cases/foi-index.html>

We are also running a new practical FOI workshop which is suitable for all those who are in charge of FOI/FOISA 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 making decisions about exemptions. Caselaw from other jurisdictions and as well as the latest guidance and decisions from the Information Commissioner and the Scottish Information Commissioner will be discussed. Time will also be devoted to practising the drafting of Refusal Notices, a subject which both commissioners have drawn attention to in their decisions. Click <http://www.actnow.org.uk/2006/subacc.pdf> for more details

8. FOI and Schools

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

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.

Other stories involving schools include:

BBC news - Unravelling the school tables

http://news.bbc.co.uk/2/hi/uk_news/education/4365212.stm

Kent Messenger- New light shed on head teacher's shock exit

http://www.kentonline.co.uk/news/default.asp?article_id=24182&startrecord=-1.#IND

Birmingham Mercury- SCHOOLS' truancy shame revealed

<http://digbig.com/4ftrp>

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 at venues across the UK. Go to <http://www.dpschools.info> for full details. If you would like to make a block booking or you want the event to be held in your area let us know.

9. Information Commissioner Backlog

Over 2100 appeals have been referred to the UK Information Commissioner this year, and 1300 of these are still outstanding. According to the BBC Openness watchdog in case backlog (BBC website, 16 December 2005) , work has not yet begun on 800 of the cases that have been referred to the Commissioner. Some applicants have complained that they have had to wait over six months for their appeals to be considered.

http://news.bbc.co.uk/2/hi/uk_news/politics/4533606.stm

10. Librarian Guidance on FOI

SCONUL provides information specifically for the HE/FE sector. They have an FOI advice note which is available at <http://digbig.com/4ftrq>

11. Planning Retention Guidance

Check out TNA's Model Retention and disposal schedules, which also provides general guidance on this area –

<http://www.nationalarchives.gov.uk/recordsmanagement/advice/schedules.htm>

12. Identities of requestors in Disclosure logs

There was a recent discussion on Jiscmail regarding whether organisations in their disclosure log should include the identity of the requestor. Note that the Scottish Information Commissioner identifies requestors in his decision notices but UK Commissioner doesn't.

Similar research was undertaken when developing the disclosure log for a County Council.

"I was very surprised to find the initials and surnames of individuals, it made me feel uneasy that their identity could be guessed at by interested locals who would link a request to a requestor. Of course in many cases, people are quite happy for their identity to be known, as they write openly to the local press or publicise their requests in blogs etc. However, under FOI I think it's dangerous to assume that a surname and initial can be revealed without first making the requestor aware that this will be the case. They may have very good reasons for not wanting their names to be revealed.

I decided to be cautious and anonymise the log, based on the premise that if I wished to request information, I would not expect my name to be released, unless I was forewarned; and then in certain situations I may not make the request. Surely this publication of detail could deter shy or bullied requestors from ever using the Act?"

What's the position of your organisation? The Durant definition of personal data says that mention of a name is not necessarily personal data but has to go a touch further. Would you consider it an intrusion of your privacy if the fact you had made a request under FOI was disclosed?

13. Higher Education Survey on how HE coped with the first year of FOI

Press Release 3rd January 2006. The Higher Education sector has responded both positively and successfully to the first year of the Freedom of Information Act, survey results published to mark the Act's first anniversary reveal. The survey, a joint initiative by JISC, Universities UK and SCOP (the Standing Conference of Principals), show that the overwhelming majority of the requests being received by institutions are being answered fully, on time and free of charge.

The online survey was carried out between mid-October to mid-November and attracted a response rate of 50% of Universities UK and SCOP members in England & Wales. The results highlight the impact compliance is having on institutions and the resources being diverted to deal with its requirements, with the evidence suggesting that the impact of responding to requests is disproportionate to their quantity.

Over a quarter of those who responded said that an average of four members of staff are actively involved in responding to any one request; whilst for over half the requests recorded it has taken between five and the permitted maximum of twenty working days to complete them, although such figures possibly refer to elapsed time rather than hours of continuous activity. However, the survey found that the most time-consuming aspects of a response procedure included reviewing the information requested, consideration of any possible exemptions to disclosure, and locating specific pieces of information within large and complex organisations.

The survey results also reveal the high numbers of requests that institutions are fielding from the press, with journalists responsible for 45% of those requests where the enquirer could be identified. Perhaps related to this is the fact that matters pertaining to the management and administration of institutions top the list of favourite subject areas.

The results show that there appears to be no significant tailing off of use of the Act following an initial surge of interest, as many had initially predicted. This, compared with a widely reported rise in the number of requests for personal information received under the pre-existing data protection legislation, provides a timely reminder for institutions that the public is becoming increasingly aware of their legal 'right to know' and that these rights are here to stay.

Whilst the findings of the survey are a testament to the openness and accountability which has long characterised the HE sector, they also reinforce the need for continued efforts to ensure ongoing compliance. The organisations responsible for the survey have agreed to continue to support the sector with proposals already underway for a joint conference in the Spring focusing on compliance issues.

Diana Warwick, chief executive of Universities UK, said: "This survey shows an impressive speed of response to FOI requests by HEIs despite the fact that the resources to deal with them have largely been found from within existing structures. Despite the inevitable disruption to normal business that FOI requests bring with them, it is clear that HEIs are open and transparent in their business and have made provision to ensure that this continues to be the case."

Dr Malcolm Read, Executive Secretary of JISC, welcomed the survey results, saying: "These results show that while higher education institutions are having to invest significant resources to ensure compliance with the Act, they are also discharging their responsibilities positively and effectively. JISC looks forward to working with partners to provide support for them as they continue to do so." More details on <http://www.jiscinfonet.ac.uk/foi-survey>

FREEDOM OF INFORMATION IN SCOTLAND

Don't forget the FOISA Conference on 7th February – See below for details

14. Scottish Commissioner Decisions

The Scottish Information Commissioner's December 2005 newsletter states that by the end of this month the Commissioner will have issued more than 80 decisions. The current total is 84 decisions published.

The newsletter continues, "On 21 November, the Commissioner issued his 50th decision notice. Analysis of the first 50 decisions shows that they have covered a wide range of public authorities and a wide range of subjects. The majority of cases decided so far involved central and local government, with 18% of decisions involving the Scottish Executive and its agencies and 60% involving local authorities, from the Western Isles to the Dumfries & Galloway.

The Commissioner has found in favour of the applicant in 34% of those cases. He has found in favour of the public authorities in 42% of cases and has partially upheld the decision in favour of the applicant in 24% of cases. Where cases have been "partially upheld", the Commissioner has often found that public authorities were correct to withhold information but that the authorities have failed to comply properly with one of the technical aspects of the freedom of information legislation, e.g. by failing to issue a proper refusal notice or by failing to provide adequate advice or assistance to the applicant.

Two decisions have been appealed to the Court of Session.

Pseudonymns and Email Requests

The Scottish Information Commissioner has changed his guidance on how public authorities should deal with requests made under a pseudonym.

The Commissioner previously stated that an applicant could use a pseudonym, but the updated guidance now appears to state the reverse: for an application to be considered valid, the actual name of the applicant must be used. The Commissioner will now refuse to investigate cases where a pseudonym has been used.

The Commissioner has prepared a new FAQ for public authorities, which suggests ways of dealing with applications made under a pseudonym.

Other advice from the Commissioner which has been changed concerns requests made to public authorities by e-mail. The question "FOISA says that a request must contain a name and address. What if I only have the e-mail address of the applicant and not the home address?" was previously answered: "The Commissioner has confirmed that an e-mail address is sufficient to comply with the requirements of both FOISA and the EIRs. The requirement for a name and address is simply to allow the authority to have a means of replying."

The revised answer is now: "FOISA states that a request must include an address for correspondence. The Commissioner has confirmed that an e-mail address is sufficient. However, where an email address is used, the applicant must also give their name in the body of the email to fulfil the requirement that the name of the applicant is given." Since the last newsletter, the Commissioner has published guidance on the section 38 exemption (personal data): <http://www.itspublicknowledge.info/legislation/briefings/section38.htm>.

See also our Access to Personal Data workshop on our Spring programme

15. FOISA Review

In early October Margaret Curran, Minister for Parliamentary Business, announced that the Scottish Executive will be reviewing the first few months of operation of freedom of information in Scotland. The announcement was accompanied by a press release which can be viewed at www.scotland.gov.uk/News/Releases/2005/10/03105649.

According to the Scottish Executive, the review will consider: coverage of the Act, the fees regime, statutory prohibitions to disclosure of information, general feedback on discharge of functions under the Act and any areas where difficulty is arising.

16. FOISA continues to make the headlines in Scotland

According to a league table of academic standards that has just been published, thousands of Scottish pupils are failing to achieve basic standards in literacy and numeracy.

The figures, obtained under the Freedom of Information Act, have uncovered serious failings within Scotland's education system. More than three in ten pupils at S2 level - the second year at high school - are failing to achieve the basic standards in reading and under half failed the basic standards for writing.

Row over school test results (The Daily Record, 15 December 2005)

<http://digbig.com/4ftsm>

Police officers in Scotland are failing to breathalise all drivers after accidents. (The Herald, 12 December 2005) <http://www.theherald.co.uk/news/52383.html>

Reports obtained by Scotland on Sunday under the Freedom of Information Act suggest the M8 motorway is falling to pieces under the strain of having to cope with 75000 vehicles a day. Why has Scotland's busiest route become the road to hell? (Scotland on Sunday, 18 Dec 2005) <http://news.scotsman.com/index.cfm?id=2425732005>

FOISA Conference

Kevin Dunion, the Scottish Information Commissioner, is the keynote speaker at our FOISA conference in Edinburgh on 7th February 2005. Other key speakers include Rob Edwards of the Sunday Herald, David Goldberg from the Campaign for Freedom of Information In Scotland and speakers from both central and local government.

For a full programme and booking form click [here](#).

This promises to be a very worthwhile event so book early as places are filling fast.

17. Guidance for Scottish Archives

From the Scottish Council of Archives and is available here:

<http://www.archives.org.uk/sca/publications.htm>

18. FOISA blog

<http://foisa.blogspot.com/> The FOISA blog has now been running for a year, reporting on FOI-related stories that have been hitting the headlines. The archives contain a month-by-month record of information about freedom of information in Scotland and the rest of the world.

The blog is listed on a number of websites such as The Guardian, The Scotsman, the Campaign for Freedom of Information and the Scottish Information Commissioner's website.

The aim is to provide regular, objectively reported FOI news digests to help keep you informed about developments concerning freedom of information worldwide.

19. SIC Decision Notice Database.

On 21 November 2005, the Scottish Information Commissioner launched an online decisions database which is now available on his website:

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

The database allows visitors to list every decision issued, search for decisions by individual sections of the Freedom of Information (Scotland) Act 2002, and list decisions which concern the Environmental Information (Scotland) Regulations 2004. More search functions will be introduced over the coming weeks and these will include the ability to search by public authority, case number, and date.

DATA PROTECTION

20. House of Lords Dismisses Durant

The EU Commission sent a "letter of formal notice" to the Department for Constitutional Affairs in 2004 regarding the United Kingdom's implementation of the Data Protection Directive. Despite requests under the Freedom of Information Act 2000, and a pending appeal to the Information Commissioner, the Department for Constitutional Affairs has not released a copy of this letter or commented on its contents. However, it is thought to be critical of the decision in Durant amongst other things. Mr Durant withdrew his petition in the autumn leaving the 2003 judgement to be the last word in interpreting DPA 1998. There are many who think this judgement is in need of review. More comment at <http://digbig.com/4ftsn>

21. New DPA Courses

Are your staff confident when dealing with personal data? Do they know when and where they can share information and for what purposes? We are again going to run our ever popular Data Protection: An A-Z Guide course in Autumn.

We have also added a new course on Data Sharing which will look at the relevant laws on data sharing including DPA, Human Rights, the law of confidence etc.

Data Protection and Employee Data: How to deal with employee data in the light of the DPA and the new consolidated code of practice.

See <http://www.actnow.org.uk> for details.

22. DPA Book

Greens Annotated Acts - Data Protection Act 1998

By Emily Wiewiorka Price £46

<http://www.wgreen.co.uk>

This book provides a full copy of the Act with section-by-section commentary, giving a general understanding of the Act. The author is a solicitor and an expert on intellectual property and data protection. The annotations in the book give good explanations to the many intricate and often awkward provisions of the Act. It also contains notes on the various Statutory Instruments made under the Act. Those wishing a more detailed understating of the Act will need to refer to the Information Commissioners Guidance notes on his website as well as the various codes of practice under the Act. However this book is an excellent concise and portable reference for all legal practitioners, as well as in-house counsel and data protection practitioners throughout the UK

For more details please e mail: Alan.Bett@thomson.com Please mention Act Now Training

23. Disclosure of Personal Data

Following the Freedom of Information Act 2000 going live, many public sector organisations have seen an increase in requests for access to personal data about staff, service users and officials. These require examination of the FOI exemptions as well as analysis of other areas of law such as Human Rights (privacy) and the Data Protection Act 1998(DPA)

[Barking and Dagenham Post](#) - Council's best-paid workers revealed <http://digbig.com/4ftsp>

[Norwich Evening News](#) - A Freedom of Information (FOI) request has revealed councillors and officers have been going as far afield as Australia and Singapore on council business. <http://digbig.com/4ftsq>

News and Star (Carlisle) - Figures released by the council under the Freedom of Information Act show that a council boss's annual salary jumped from £63,699 in 2000-1 to £81,592 in one financial year. <http://www.newsandstar.co.uk/news/viewarticle.aspx?id=294394>

Are names still personal data? In the recent decision involving Calderdale Council (24th November 2005), ICO ruled that the names of officers who had been on a recruitment trip to Australia should be disclosed to the applicant. Whilst the names were considered to be personal data it was felt that it was fair and lawful to disclose them considering the nature of the officers' role, the amount of public money spent and the responsibility given to them to carry out the task.

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

24. Use of NINO

Payroll and pensions we know about. What else can the National Insurance numbers (all 80 million of them) be used for? Guidance is available.

<http://www.hmrc.gov.uk/manuals/nimmanual/NIM39120.htm>

25. My right to be private

This website sprang up earlier this year promising to assist individuals in removing their names from mailing lists. A delegate on a DP course passed on the letter he'd received from MRTBP which requested his company to delete a list of people who'd signed up for the service. Strangely the day after we received this the website disappeared having been bought out by another company. <http://www.mrtbp.com> now leads to the REaD group which has quite interesting mission statements and raison d'être available on their website. They say that MRTBP will relaunch in January.

Old pages from MRTBP could be found on the net with a bit of googling and fascinating reading they are. Full text is on our website in the articles section under mrtbp. Here's a taster

What is on an Information File?

The following List will give you some idea of the sort of information that the Government currently SELLS about YOU and YOUR FAMILY, and the degree of confidentiality that they attach to each 'field of data'. The List does not include every field of data we have obtained, but it does show all of the information that we will include for you on YOUR file. The information given in the file is Crown Copyright. Non-Confidential (exact, detailed information supplied)

- YOU
 - First Name
 - Second Initial
 - Surname

- Full Address
- Postcode
- ALL FAMILY over 18
 - First Name
 - Second Initial
 - Surname
- Tel. No. (approx 30% of households)
- Grid ref. and Lat / Long. (great for spy satellites)
- Postal Barcode (an extended postcode that identifies actual property)
- Voting Ward Name
- Voting Ward Code
- Local Authority
- Parliamentary Constituency
- Whether you have asked for your details on the Electoral Roll not to be published.
- Council Tax Band
- Council Tax payment due (how much Council Tax you pay)
- Type of House (terrace / semi/etc) }
- Tenure (freehold/leasehold..) } (all if purchased since 2000)
- Purchase Price }
- The same house data for all other houses with the same postcode purchased since 2000
- TV Region
- Household Composition {e.g. - 2, 1 male and 1 female - same surname (e.g. married couples)}
- NHS - Area Code
- NHS - Area Name
- NHS - Region Code
- NHS - Region Name

Semi Confidential (not precisely personal, but what is most common for your neighbourhood)

- Age Group
- Marital Status
- Children in household
- Economic Status / Social Grade
- Religion
- Ethnicity
- Country of Birth
- Education Level Attained
- General health
- Long term illness
- Provision of long-term healthcare
- No of Cars
- Working hours
- Working Industry
- Working Status
- Length of Unemployment

As we said above, this list is not exhaustive, but you can see the picture now, and perhaps understand some of the Junk Mail you receive – salesmen will ‘play the numbers game’ with the semi-confidential data, and target you from this ‘most common’ information. Some Scottish house price data may be restricted on our Master List as the Scottish and English Land Registry operate differently. Perhaps you are now beginning to know how your Government sells YOU, and how they manage to turn you from a (Private) LIFE -- to a -- (Public) FILE. [Full version](#)

26. Spammer convicted

http://www.channelregister.co.uk/2005/12/29/uk_spam_suit/

<http://news.bbc.co.uk/2/hi/europe/jersey/4562726.stm>

The claim was under section 30(1):

<http://www.opsi.gov.uk/si/si2003/20032426.htm>

27. Radio 4's "You and Yours" feature on call centres security.

Apparently call centres are being infiltrated by organised gangs whose members then pass on personal information to their associates to assist in committing financial fraud and other crimes. This is quite worrying especially in the light of my previous post about banks purportedly ringing up customers out of the blue and asking for personal information e.g. dates of birth etc. Local authorities who increasingly are using call centres and One Stop Shops need to be cautious.

You can listen to the program by going to the BBC radio website and using the Listen Again function. <http://www.bbc.co.uk/radio4/progs/listenagain.shtml#y>

28. Housing Act

Certain parts of the new Housing Act 2004 came into force on the 25/11/05. One item of particular interest is the section (237) enabling a Local Housing Authority to use information from Council Tax and Housing Benefit records to carry out its enforcement functions. i.e identifying names and addresses of property owners/occupiers etc. We were prevented from accessing this information previously by Data Protection.

29. Students' Rights to Exam Information

New guidance issued by the Information Commissioner's Office (ICO) explains what exam information students are entitled to under the Data Protection Act.

<http://www.ico.gov.uk/cms/DocumentUploads/exam%20guidance%20press%20release.pdf>

30. Mystery conference

The Information Commissioner hosted this in Manchester in the autumn but public were excluded. Read some notes about it and if you feel like using the Freedom of Information Act to ask for the conference papers or presentations please pass the result on to us.

http://www.informationcommissioner.gov.uk/cms/DocumentUploads/DPA_Conference_1.pdf

31. Soliciting business in the internet premium rate dial-up fraud?

Over the past 12 months, thousands of internet users have had their PCs infected by a virus which makes their computer dial up premium rate telephone numbers. This has resulted in huge telephone bills for many innocent computer users. At the moment, BT is refusing to cover the cost to its customers of these scam calls - which means that victims of the virus are liable to pay out hundreds of pounds for calls they have not made. Some useful material is available at <http://www.premiumratescam.co.uk/> which is a group of solicitors

32 . Mailinator – a novel slant on email and privacy policies

What is Mailinator's official privacy policy?

The official policy is something like: At Mailinator, THERE IS NONE. Expect that any email you send or have sent here can be viewed by anyone. In fact, wiley spam guys might start scraping the mailboxes of bob@mailinator.com or something. Its perfectly possible. Mailinator does NOT ask, require or even want any of your personal information. This service is not much different than the existing Usenet - what you put out there is world-viewable. Keep that in mind.

So if the government issued a subpeona to Mailinator to divulge emails or logs, you'd rat me out? Holy crap, yes. I'm not going to jail for you, I have a boyish face and very, very supple skin.

Privacy is a serious issue, and we want to be clear. We think Mailinator provides pretty decent privacy, and we want to keep providing that and even improve it, but we can't promise it. A promise would require lawyers, money, and probably guns - and we don't have any of those.

<http://www.mailinator.com/mailinator/index.jsp>

33. Article 29 Working Party

The Working Party has made its report on the processing of location data (WP115) available

http://europa.eu.int/comm/justice_home/fsj/privacy/workinggroup/wpdocs/2005_en.htm

http://europa.eu.int/comm/justice_home/fsj/privacy/docs/wpdocs/2005/wp115_en.pdf

34. Disclaimers on emails

Old hat maybe but useful tips at <http://www.goldmark.org/jeff/stupid-disclaimers/>

RIPA & SURVEILLANCE and OTHER ITEMS

35. New RIPSAs/RIPA Book

Regulation of Investigatory Powers in Scotland

By Dr Alastair N Brown

Series: Greens Essential Legislation

Publisher: W. Green

ISBN: 0414014901

£42.00

<http://www.wgreen.co.uk>

This book is an ideal dedicated portable reference guide for practitioners. Despite its title it is not just for Scottish readers. This guide contains full text, annotated copies of the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 offering guidance on the interpretation, implications and application of the legislation in practice, with particular reference to decided cases.

Practitioners will need to know the regulations, codes of practice and complaints procedures in order to act effectively on behalf of their clients.

<http://www.actnow.org.uk>

Training for the information society

This guide deals with a range of complex issues including: directed surveillance, use of a CHIS, acquisition of communications data and investigation of electronic data.

With all the legislation and codes of practice in one place, this book is recommended especially in the light of the fact that there is a great shortage of useful texts in this area.

For more details please email: Alan.Bett@thomson.com Please mention Act Now Training

36. Surveillance Society

The new national surveillance network for tracking car journeys, which has taken more than 25 years to develop, is only the beginning of plans to monitor the movements of all British citizens. The Home Office Scientific Development Branch in Hertfordshire is already working on ways of automatically recognising human faces by computer, which many people would see as truly introducing the prospect of Orwellian street surveillance, where our every move is recorded and stored by machines. The Mail on Sunday on 1st January also had a feature about the Government spying on our back gardens from space to detect home extensions not declared to the Council. Whatever will they think of next?

http://news.independent.co.uk/world/science_technology/article334684.ece

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/12/23/nspycam23.xml>

37. Access to Communications Data Workshop

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. It is essential that those who are seeking to use these powers as well as those who are authorising their use (Designate Persons), have a good understanding of the law and practice in this area. This workshop, submitted for Home Office approval, is for public authority investigators and authorising officers (Designated Persons) needing an understanding of the communications data provisions of the Regulation of Investigatory Powers Act 2000 (RIPA). There may be significant numbers of officers in your organisation who need this training.

The first course is in Bradford on 2nd February 2006. <http://www.actnow.org.uk/2006/comms.pdf>

38. 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.

In house Training

In the last quarter Act Now trainers have delivered in house training for London Borough of Greenwich, English Partnerships, Parliament Explained, CIPFA, CPVHA, North East Lincolnshire District Council, London Borough of Enfield, Water Board of Northern Ireland, The Shetland Islands Council, Sisters of Notre Dame Liverpool, Royal College of Midwives, Fire Service Information Management Forum and many more.

Most of the courses in our main programme can be delivered at your premises. Please email us for details.

In addition we can deliver shorter awareness training sessions to allow you to hold a regular session at induction training.

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!

Disclaimer.

The contents of this newsletter are meant for you to consider on the basis of general discussion and not as advice or expert opinion (legal or otherwise).

You are advised to obtain professional legal advice on specific issues. Any liability (in negligence or otherwise) arising from you acting or refraining from acting on any information contained in this newsletter is excluded.

Copyright .

This belongs to Act Now Training and we ask that anyone who wishes to subscribe does so via a form on our website. Your personal information will only be used for the purposes of sending you this newsletter and information about our training course programme.

Public sector organisations can re-use material within their own organisation if they acknowledge our contribution by linking to <http://www.actnow.org.uk>

Act Now Training Ltd, 64 Bradford Road, Dewsbury, WF13 2DU
Tel 01924 451054, Fax 01924 451129, info@actnow.org.uk