



# Privacy & Data Protection

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- Police database ‘out of control’, p.13
- PlusNet in data breach, p.14
- Phone tapping at Prince Charles’ residence, p.15
- Human Resources Officer found guilty, p.16

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## Website operator issued with enforcement proceedings

The operator of a website designed to allow searches for people’s contact details has been issued with an enforcement order by the Information Commissioner’s Office—the first time that the ICO has issued an order over a website.

The ICO says that B4U, a Birmingham company which performs searches for information on individuals at b4usearch.com, is in breach of the UK Data Protection Act.

B4U uses electoral roll data which dates back from before 2002. After 2002, people filling in an

electoral roll form could choose to be excluded from the public register. The ICO also says that the company ignored requests from individuals for their details to be removed, in contravention of the Act.

“We will take action against organisations that don’t process personal information in line with the requirements of the Act and cause significant concern to individuals,” said Mick Gorrill, head of regulatory action at the ICO. “People have an important right under the Data Protection Act to know that their personal information

is sufficiently protected.”

The ICO has received in excess of 1,600 complaints about the site, many saying that B4U did not remove their personal details when requested.

B4U owner Raj Banga says that the company has never refused anyone a request for data removal. “We don’t refuse anyone removal from the site, that has never happened,” said Banga. He said that at one point requests for removal were so numerous that they were taking up to three weeks to process, but

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## UK to impose prison sentences for data misuse

The UK government is proposing custodial sentences for unlawfully obtaining and using personal data.

Following comments by the Information Commissioner that prison sentences should apply for data crimes (see *Privacy & Data Protection*, Volume 6, Issue 6, page 1), the Department of Constitutional Affairs has produced a consultation document.

In the document, published in late July, the government says that there is a need “to provide an appropriate and effective level of deterrent to

those who seek to profit from the illegal trade in personal information, and to those who otherwise wilfully or recklessly give out personal data to those who have no right to see it.”

The paper cites private detectives and journalists as being the primary culprits for unlawfully obtaining and using peoples’ personal information.

The proposal is to increase the maximum punishment for the offence of ‘unlawful obtaining’ in section 55 of

the Data Protection Act to 2 years imprisonment (six months if tried summarily in the magistrates’ court).

The offence will not apply to front line public sector staff who make errors of judgment (for example the sharing of data to protect a child), but rather is intended to catch individuals who abuse the trust placed in them by their employers or others who deliberately set out to acquire personal data without a valid legal reason.

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