

as a punitive charge against the agency, rather it is meant as a tangible acknowledgement of their mistake in addition to their apology.

4. You have referred to BA breaching data protection legislation. As I understand the legislation, if the information that BA wrongfully disclosed about you was held by them in an electronic form, it would bring the disclosure within the scope of the Data Protection Act 1998. Sections 13 and 42 of that Act allow a complainant to take County Court action for compensation where there has been either a breach of a requirement of the Act, or an assessment by the Information Commissioner as to whether a disclosure was carried out in compliance with the Act. I cannot advise you further on that matter but I enclose details of how to contact the Information Commissioner (Annex).

5. I understand that you believe BA ought to be able to identify the person who made the disclosure to Wragg & Co. I agree that the officer who took the telephone call ought to have made a note of what was said and when. However, I have seen no evidence that such a note was made. While BA are able to examine the computer audit trail to establish which officers accessed your computer records and when they did so, it does not follow that that would, necessarily, lead to them identifying the individual responsible for the disclosure. Indeed, I have seen that DWP solicitors have confirmed that "There is no record of anybody actually accessing the records relating to your client at any time relevant to this issue" (letter dated 14 March 2003, addressed to Higgs and Sons). Wragg & Co. have confirmed that their letter of 7 January 2002 was not quite accurate; they were told only that you were in receipt of "some sort of benefit" and that you claim "could include" a claim for your wife. It seems to me that the general nature of that information is such that an officer might not have needed to access the computer in order to give it.

6. Putting that to one side, I should explain that I would not expect BA to divulge the name of the individual to you, even if they were to identify him or her, nor would I expect BA to disclose to you any disciplinary action that they may have taken. Although you have named the officer you believe to be responsible, I have seen no evidence to demonstrate his culpability and, in the light of the available evidence, no prospect of determining the matter one way or the other. In any case, it is not for the Ombudsman to make recommendations about disciplinary matters and she would not, therefore, seek the outcome you have suggested, i.e. the dismissal of staff. I note that Mr Frost has already identified the action to be taken at BA's Dudley office to try to avoid the recurrence of the error. In the light of all that, I do not think that the Ombudsman could achieve any more by pursuing further this aspect of your complaint.

7. You refer to "criminal offences" of fraud, corruption, deception and conspiracy. Such matters are not for the Ombudsman. If you believe that you have evidence to support criminal charges, you may wish to take legal advice on how to proceed, but that is not a matter with which the Ombudsman can assist.