



Our Ref: 02/28799/04/RW

Information Commissioner

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Adjudication and Constitutional Issues
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13/2/04

Dear Shelagh,

The Information Commissioner has received a request for assessment from Mr Martin John Hossack of 92 Granville Drive, Kingswinford, Dudley, DY6 8LW which we are dealing with under section 42 of the Data Protection Act 1998. Mr Hossack alleges that in February 2002 the DWP disclosed his personal data regarding benefits he received to Wragge and Co Solicitors. Although it appears the DWP obtained consent from Mrs Hossack for her information to be disclosed to the solicitors, the DWP also disclosed information relating to Mr Hossack, but without his consent.

On receipt of a request for assessment, we are under a duty, in most instances, to assess whether it is likely or unlikely that the processing in question has been or is being carried out in compliance with the provisions of the Act. However, we have discretion as to how we carry out the assessment and as to what action, if any, to take.

From the information available to me and on the balance of probabilities it appears unlikely that the processing concerned has been in compliance with the Data Protection Act 1998. In particular there seems to be a breach of the Seventh Data Protection Principle which states, "Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data."

SECTION
61 & 51
Ignored
now with
proof

In a letter from Mr Andrew Frost (see copy enclosed) the DWP admit that information relating to Mr Hossack was disclosed to the solicitors. However after investigating the incident and conducting an internal audit trail the DWP were unable to establish the source of the telephone call. However steps have been taken to remind staff at Dudley Social Security of their responsibilities to comply with the Data Protection Act 1998.

SEE LETTER
29th March
Wragge
2004

As it appears reasonable steps have been taken to ensure future compliance and the alleged incident occurred more than 12 months ago I do not anticipate taking any further action in relation to this case. As I have made my assessment decision and steps have been taken for future compliance I do not require a response to my letter.