

a breach of the Data Protection Act. As Mrs Virdee explains in her response, she made preliminary enquiries and found, upon checking our records, that information had been requested by a firm of solicitors, with Mrs Hossack's consent. However, no record was held to indicate any enquiry or disclosure of information concerning yourself. Mrs Virdee therefore replied correctly in saying that, having made her preliminary enquiries, she was unable to substantiate the concerns you had raised and asked if you could provide further information about the disclosure that took place in order that she might look further into the matter.

CONTRADICTS  
13<sup>TH</sup> FEB 2002  
LETTER  
FROM VIRDEE

5 You have enclosed a section of a report from Waldrons Solicitors that refers to a conversation with Barry Merrick, the Data Protection Officer at the Benefits Agency in Halesowen and saying he denied a conversation taking place with anyone from Wragge & Co. However, in the paragraph subsequent to the one you have highlighted, this statement is expanded upon and explains that Mr Merrick said "he could not find anybody who claimed to have spoken to Wragge & Co and that it appears although I have not seen it, that the Wragge & Co telephone note does not identify a name. It would apparently be one person's word against another and that was how Mr Merrick left it".

SEE LETTER 3<sup>RD</sup> APRIL 2002 B MERRICK

6 As the section of the report from Waldrons Solicitors is undated I am unable to establish the exact sequence of the events referred to, although this could be the telephone call of 22 March 2002 referred to in Barry Merrick's letter to Keith Reeder at the Departmental Data Protection Unit, of 3 April, to which you also refer. What I can say is that Mr Merrick's investigations were continuing and his letter to Waldrons Solicitors of 22 March 2002 reflects further communications with Wragge & Co confirming that a telephone conversation had taken place. The issue was raised with staff in the team covering the area of work. However, making reference to you in the conversation with Wragge and Co was denied.

SEE LETTER 3<sup>RD</sup> APRIL  
THE OFFICER EVANS ADMITS TO TALKING TO WRAGGE & CO

7 I accept that Mr Merrick's letter to Waldrons Solicitors does appear to contradict the record of the conversation given by Waldrons Solicitors. However, as Mr Merrick is no longer employed by the Department for Work and Pensions, I am unable to clarify with him the exact content of his telephone conversation with Waldrons and how their version of the discussion differs with what he put in writing to them on the same day.

SEE LETTER

3<sup>RD</sup> APRIL  
2002

8 You next refer to Andrew Frost's letter to you of 22 October 2002 in which he informs you that Barry Merrick, the Data Protection Officer at Halesowen Social Security Office, conducted an internal investigation but was unable to discover the source of the telephone call. To clarify the situation further it may be helpful if I explain that Mr Merrick had conducted a local investigation into your complaint but this had proved inconclusive in positively identifying who may have provided information concerning your claim to Wragge & Co. In order to confirm that he had responded correctly to your allegation, Mr Merrick subsequently sought advice from the Departmental Data Protection Unit. This unit is part of the Department for Work and Pensions Head Office and is responsible for giving advice and guidance to staff on Data Protection issues.