

RJT 13

Meeting report	Guidance and Promotion Division
Date of meeting:	13/07/2006
Location:	Press Complaints Commission, Halton House, Holborn, London
Organisation represented:	PCC and ICO
ICO:	GPD International & policy support
Attendees:	PCC: Sir Christopher Meyer (CM) and Tim Toulin (TT) ICO: Richard Thomas (RT) and Lee Taylor
Reason for meeting:	To discuss the PCC response to recommendations in the 'What price privacy?' report. In particular the call for firm proposals from the PCC about how they will take a stronger line to tackle press involvement in the illegal trade.
Contribution to GPD Business Plan:	Aim 3
Key issues:	<ul style="list-style-type: none"> • PCC response to the recommendations in the report, support so far and next steps. • The respective roles and responsibilities of the PCC and the code of practice committee of editors.
Specifics:	<ul style="list-style-type: none"> • RT set out the background to the report in particular the intention to target the middlemen involved in the illegal trade in confidential personal information while at the same time reducing the demand for data by raising awareness of the illegal nature of the trade amongst customers, including the press. He expressed some disappointment that the PCC had not been more forthright in its condemnation of the activity. • CM explained that the PCC stance has consistently been that reporters must stay within the law and that he makes this point regularly on public platforms but that the PCC is not able to act as a general regulator. He believes that what is needed is a strong stance from the ICO including prosecutions. He queried what mote the PCC could do. • RT responded that he would like to see the PCC raising awareness on the press side including increasing the prominence of guidance already produced and the reference to offences therein. He stated that it should be the role of the PCC as a self regulatory body to come forward with proposals on how to raise awareness to help prevent misconduct amongst the industry. He explained that ICO action against journalists associated with illegal activity had been hampered by the precedent set in the parallel cases as recorded in the report. • CM explained that the PCC website is focused at individuals not at journalists which is consistent with their

	<p>role which is not that of a general regulator. He reminded the ICO that he drew attention to the report and the PCC's personal data guidance in his annual report speech where he stated that "bribery has no place in journalism". He encouraged the ICO to engage directly with the industry with a view to raising awareness as appropriate in self regulatory model.</p> <ul style="list-style-type: none"> • RT suggested the possibility of additional specific, plain English guidance on section 55 offences, perhaps produced in collaboration with the ICO, which would include examples of information likely to have been obtained illegally. Equally, the guidance might include examples where information could be obtained for public interest reasons. • TT stressed the role of the PCC in particular the need for consent from the industry, in the form of the code of practice committee, for the publication of any guidance. To that end he recommended that the ICO engage with the industry directly to secure support for guidance to raise the profile of data protection offences. He stressed the separation of the PCC and the code of practice committee. • RT explained that the ICO has sent the report to a number of press bodies/associations calling for responses to the recommendations. The ICO did not send the report separately to the code of practice committee but had sent it to the PCC with the belief that they were the correct channel to go via to make the recommendations. • RT suggested the possibility of amending the code itself to include specific reference to obtaining by improper payment. This did not need to align precisely with the criminal offences and other points in the code already overlap with the criminal law. • TT explained that there may be scope to consider changes to the code but again indicated the need to engage the committee to gain support for changes. • CM confirmed that there is potential to change the code and that the PCC can make recommendations for changes to the committee. The committee has the ultimate say on what changes are accepted. • RT stressed that the ICO did not expect the PCC to take on an investigatory function for criminal offences. It would only deal with Code breaches. • Action points were agreed (see below) in light of the previous discussion and CM stressed the PCC's ongoing condemnation of illegal activity by the press.
<p>Further action:</p>	<ul style="list-style-type: none"> • The code of practice committee of editors is to be engaged by the ICO and the PCC to discuss the possibility of changes to the code and production of guidance. • The PCC to give thought to the production of question and answers style guidance separate of the code. • The PCC to continue to condemn the illegal obtaining of

	confidential personal information by journalists. <ul style="list-style-type: none">• The PCC to provide the ICO with a formal response to the recommendations in the report.
Any other comments:	<ul style="list-style-type: none">• None
GPD KPI information	1 day.