

RJT 3

Reference: RT/PJW0295

Sir Christopher Meyer KCMG  
Chairman  
Press Complaints Commission  
1 Salisbury Square  
London  
EC4Y 8JB

4 November 2003

Please accept my belated congratulations on your appointment as Chairman of the Press Complaints Commission.

I believe that it would be to our mutual advantage to meet at an early opportunity to discuss the matters raised in this letter and, more generally, our respective roles and the relationship between our organisations.

The Culture, Media and Sport Committee's report on '**Privacy and Media Intrusion**' addressed illegitimate obtaining of personal information by journalists. Despite evidence about "payments in the past" and "the 'lawless' days of 10 or 20 years ago", the report refers to more recent examples which it describes as "a depressing catalogue of deplorable practices". You will be aware that the Committee recommended that the PCC Code "should explicitly ban payments to the police for information and there should also be a ban on the use and payment of intermediaries, such as private detectives, to extract or otherwise obtain private information about individuals from public and private sources..."

You will doubtless also be aware that I submitted a Memorandum setting out the extent to which my role touched upon matters covered by the Committee's enquiry. In addition I had an informal meeting with the Committee. I was at pains to make clear that - though I do not wish to usurp your role as the regulator of the press -newspapers, and their employees, are subject to the Data Protection Act 1998. I drew specific attention to section 55 which creates various offences related to the unlawful procuring, obtaining and disclosure of personal data.

For some months now my office has been investigating the activities of various enquiry agents who are able to provide a wide variety of personal confidential information - obtained from government departments, the police, and private companies. The information concerned includes vehicle keeper details, criminal records, itemized telephone call records and ex-directory numbers. This is a very lucrative business. Those my staff have investigated have earned, and are earning, a great deal of money. I anticipate prosecuting a number of individuals in due course for the offence of recklessly or knowingly obtaining personal information without the consent of the data controller (the legitimate holder of the

RT/PJW0295  
Sir Christopher Meyer KCMG  
4 November 2003

information). At the moment, I am waiting while the Metropolitan Police investigate serious offences relating to corruption in public office arising from the same activities.

It is clear from the very considerable volume of material that our investigations have collected that journalists from most national newspapers and many periodicals are significant 'customers' of the enquiry agents concerned. We have obtained extensive and detailed records showing that numerous journalists routinely obtained confidential information they should have no access to. Such information has, for example, been obtained to produce articles on the personal lives of "celebrities" and others currently or prospectively in the public eye, where there appears to be no suggestion of using it to expose wrong-doing. We have also obtained extensive records which show payments by newspapers for the confidential information which has been obtained through these channels. Given the sums involved, and the nature of the documentation, it is difficult to believe that senior managers were not aware of what was going on, and were therefore at least tacitly condoning it.

In short, the material which has already been collected by my office indicates widespread reliance by the press on information which is obtained by deception or by bribing corrupt employees. I share the view of the Select Committee that these practices are deplorable.

I am considering whether to take action under the Data Protection Act against individual journalists and/or newspapers. My provisional conclusion, however, is that it would be appropriate first to give the Press Complaints Commission and its Code Committee the prior opportunity to deal with this issue in a way which would put an end to these unacceptable practices across the media as a whole. This could involve, subject to suitable safeguards, providing you with some of the evidence that our investigations have revealed. Following your review of any such material, I anticipate that this would lead at least to revision of the Code. The approach I have in mind would be consistent with the recommendations of the Select Committee which were addressed to our respective organisations and could provide a more satisfactory outcome than legal proceedings. I believe that the approach would also be consistent with your expressed wish to demonstrate the PCC's effectiveness.

As a next move, as I have said, I believe that it would be useful for you and I to meet at an early opportunity to discuss these matters. I would be happy to meet you at your offices, preferably on a Thursday or Friday. Events with this matter are now likely to move quite fast and it would be sensible for us to meet sooner, rather than later. I look forward to hearing from you.

Richard Thomas  
Information Commissioner