

BIS Ref: 01.04.05/6012c
Your Ref:

Mr Peter John
Via e-mail
[\[mailto:request-14549-0f171bbd@whatdotheyknow.com\]](mailto:request-14549-0f171bbd@whatdotheyknow.com)

23 July 2009

Dear Mr John

Freedom of Information request

Thank you for your request mad under the Freedom of Information Act 2000.

I am writing to confirm that the Department has now completed its search for the information which you requested on 10 July 2009 (17:40).

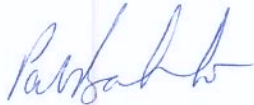
A copy of the information is enclosed.

Please note that I have sent a copy of this letter to Alistair Darling's constituency office for their information.

Personal information has been redacted in accordance with Section 40 of the Act.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely



Patrick Balchin

Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review within two calendar months of the date of this letter. If you wish to request an internal review please contact me.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Rt Hon Peter Mandelson

Secretary of State for
Business, Enterprise and
Regulatory Reform

Our ref: AL/83417

Your ref:

The Rt Hon Alistair Darling
House of Commons
London
SW1A 0AA

October 2008

Thank you for your letter of 21 July to John Hutton, enclosing further correspondence from your constituent, [REDACTED] about Phorm. I apologise for the lengthy delay in replying.

Mr [REDACTED] was disappointed with my predecessor's reply to previous correspondence. He raises a number of issues many of which are not the responsibility of my Department. On this occasion, I have sought the relevant information from the Home Office and the Information Commissioner's Office (ICO) to respond to those questions which specifically cover their areas of responsibility. The responses are contained in the enclosed annex to this letter.

Your constituent cites the Regulation of Investigatory Powers (Scotland) Act, however, this piece of legislation applies only to Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) covering surveillance and covert human intelligence sources. Part I covering interception and acquisition and disclosure of communications data and Part III on encryption are reserved areas and not devolved to Scotland.

I am informed by the Home Office that the letter issued by an official in January 2008 was a response to a number of different queries and not specifically in reply to BT/Phorm, as Mr [REDACTED] claims in his letter.

The UK is committed to providing a high level of consumer protection. We take our community obligations very seriously especially in the area of data protection and e-privacy. The possible future use of Phorm technology has raised material concerns in this area and the UK authorities are working to ensure that if it is introduced into the market for internet based advertising services, this is done in a lawful, appropriate and transparent fashion.

After conducting its enquiries with Phorm the UK authorities consider that Phorm's products are capable of being operated in this fashion on the following basis:

- the user profiling occurs with the knowledge and agreement of the customer;
- the profile is based on a unique ID allocated at random which means that there is no need to know the identity of the individual users;
- Phorm does not keep a record of the actual sites visited;
- search terms used by the user and the advertising categories exclude certain sensitive terms and have been widely drawn so as not to reveal the identity of the user;
- Phorm does not have nor want information which would enable it to link a user ID and profile to a living individual;
- users will be presented with an unavoidable statement about the product and asked to exercise a choice about whether to be involved; and
- users will be able to easily access information on how to change their mind at any point and are free to opt in or out of the scheme.

Future developments involving Phorm will be closely scrutinised and monitored by the enforcement authorities.

Should Mr [REDACTED] have any further concerns about RIPA or data protection and privacy, I suggest he raises them directly with the Home Office or the ICO as appropriate.

PETER MANDELSON

