

## NOTES OF INVESTIGATION INTO ALLEGED BREACH OF DATA PROTECTION

### Background:

1. On 2 October 2018, the Lancashire Telegraph published an article reporting on an investigation relating to allegations of bullying and public misconduct in relation to Cllr K Hind. The article referred to a number of documents that had been passed to the press, a number of which were confidential. As directed by the Chief Executive I then commenced an investigation to find out who may have 'leaked' the documents to the press.
2. I spoke with the Monitoring Officer - [REDACTED] and Investigating Officer - [REDACTED] to establish who had been given the documents referred to in the article.

### Findings:

1. The Monitoring Officer and the Investigating Officer had seen full copies of the complaint submission and the investigating officer's report – "the bundle". Both of them confirmed that they had not given any documents to the press or shared them with anyone else.

All documents and statements had been typed by the Investigating Officer on her own PC. All documents had been photo-copied in the legal office by the Investigating Officer and the Administration Officer – [REDACTED]. The Administration also confirmed that she had not given any documents to the press or shared them with anyone else.

2. The Investigating Officer had sent copies of the bundle to the members of the review panel, namely:

[REDACTED] (Chairman)

[REDACTED]

[REDACTED]

[REDACTED] (Independent Person)

[REDACTED] (Independent Person)

([REDACTED] had been sent a copy of the Complaint submission. His copy of the Investigating Officer's report remains in the Monitoring Officer's office)

and also to the complainant – [REDACTED], and the subject of the complaint – Cllr K Hind.

- 2.1 Furthermore, an Executive Summary of the papers had been included in a part 2 report to the Accounts and Audit Sub-Committee meeting that took place on 13 September 2018.

The Executive Summary had been seen by the Administration Officer. It had also been available for members to come into the offices to read. The Administration Officer reported that [REDACTED], [REDACTED] and [REDACTED] had visited the offices to view the document.

3. I contacted the people who had been sent the documents and asked them if they had given copies to the Lancashire Telegraph or discussed them with anyone else.

Their responses were as follows:

- a) [REDACTED]  
No. [REDACTED] said that he had been around local government a long time and had suspected that something like this might happen. He confirmed that he had not actually opened the package containing the full documents yet and had decided not to do so until the procedure for dealing with matters had been agreed. He confirmed that the documents were still unopened in his office.

[REDACTED] said that [REDACTED] from the Lancashire Telegraph had rung him for a comment but he had given a neutral statement. [REDACTED] said that it appeared that [REDACTED] had seen all of it.

- b) [REDACTED]  
No. [REDACTED] said that he had not given anything to the press or discussed matters with anyone else including anyone in the group.

- c) [REDACTED]  
No. [REDACTED] confirmed that he did not share the investigating officer's report or the complaint with the Lancashire Telegraph or any other media outlet.

He did confirm that he had taken political advice from a senior Lib Dem at the LGA on three issues, namely:

- a) whether he should take part in a complaint hearing that was an internal Conservative matter and what sanctions were open to the council if the complaint was upheld.
- b) what he should do following an improper / illegal approach the subject member had made to him via a 3rd party
- c) what he should do when acolytes of the subject member were trying to remove the chairman of the sub-committee

- d) [REDACTED]  
No. [REDACTED] said he had been sent the documents and had only discussed them with the Monitoring Officer.

- e) [REDACTED]  
No. [REDACTED] said that he had been sent a copy of the complaint but not a copy of the investigating officer's report. This was still in the Monitoring Officer's office.

- f) [REDACTED]  
No. [REDACTED] said that when the press had contacted her she had been quite shocked. She said the reporter had said 'I have quite a lot of information – don't ask me where from.'

██████████ contacted me further on 8 October. She wanted to inform me about a 6 page letter dated 27 August that Cllr Hind had sent to 7 members of the Ribble Valley Conservative Association and Central Office. In addition, the letter had also been circulated to 10 Members of the Ribble Valley Conservative Management team. A copy of the letter was in ██████████ post when she returned from holiday on 10 September.

██████████ said that the letter was a complaint to the association about her complaint against Cllr Hind. She said that a lot of the information in the letter was defamatory and a lot of the statements made could be proven untrue.

██████████ was concerned that Cllr Hind had broken confidentiality by sharing the letter with the people listed at the top of the letter.

██████████ said that on 17 September she had an interview for re-selection as a candidate for the 2019 Borough elections and a number of people who had been sent the letter were on the selection panel. ██████████ believed that the letter was meant to intimidate her and influence the people on the selection panel. She felt the letter was an appalling breach of the Council's complaints procedure. She had written to the Chair of the RV Conservative Party to express her concerns and requested that the people listed in the letter should not be on the interview panel. She said that the Chair had agreed with her but that administratively that would be hard to achieve. The only person who was changed on the panel was ██████████. ██████████ Cllr Bibby said she attended the interview and was selected.

██████████ noted that when the Investigating Officer had carried out her investigation she had chosen who should be interviewed based on their relevance to matters. ██████████ said that Cllr Hind had wanted to put other witnesses forward (about 10 others) and she speculated that these witnesses would not have been able to make a true statement unless they had seen the relevant papers; she believed that they would have had some information about her complaint in order for Cllr Hind to propose them as witnesses.

g) Cllr K Hind

No. Cllr Hind confirmed that there had been a Conservative 'paper' concerning matters that had been headed 'Private and Confidential'. This had been shared with 4 or 5 people from the Conservative Party's Regional/Central/ National Office. Cllr Hind said that the only person who had a copy of the Conservative paper and the complaint was ██████████.

Cllr Hind said that ██████████ had told him that he had a copy of the Conservative paper and a copy of a report written by the Chief Executive, plus an 'annotated' copy of the report containing Cllr Hind's comments relating to matters in the report. Cllr Hind noted that his comments did include references to discussions with members of staff and that they had been named in the document because clearly it had not been intended for the public domain.

Cllr Hind stated that [REDACTED] had said he also had a copy of [REDACTED] complaint and the Investigating Officer's report.

Cllr Hind stated that he thought the source for handing documents to the press was [REDACTED], because on the previous day (Wednesday 3 October) Cllr Hind had written something and sent it to [REDACTED] then approximately two hours later [REDACTED] had contacted him about it. Cllr Hind alleged that [REDACTED] and [REDACTED] had given accounts that undermined the process.

Cllr Hind said that his concern now was to maintain the integrity of the process. He said he feared that the whole thing had 'exploded' now.

The newspaper article had also said that the police may look into matters, but Cllr Hind stated that they would not be doing so. Cllr Hind said that the complaint to the police had been made by [REDACTED].

4. I also contacted [REDACTED] ( the journalist at the Lancashire Telegraph who had written the newspaper article) and asked if he could confirm the source of the documents he had in his possession. [REDACTED] said he had several copies of a number of documents that had been sent to him under plain cover. He said that he did not know who had sent them and added that, if he did know, he would not say who the source was.

#### **Conclusion:**

Having spoken to all those involved with the investigation I have not been able to establish who sent confidential papers to the Lancashire Telegraph.

Signed: .....  
[REDACTED] – Investigating Officer

Date: .....08.10.18.....