

Ms Caroline Duckworth – Managing Director
Common Purpose
Discovery House
28 – 42 Banner Street
London
EC17 8QE

22nd September 2009

References: See below

Dear Ms Duckworth

Further to your recent meeting with Mr David Clancy from our Investigations Team I am writing to you about complaints we have received from the following individuals:

-
-
-
-
-

about the way Common Purpose has processed their personal data.

The Information Commissioner enforces the Data Protection Act 1998 (the DPA). The DPA has eight principles of 'good information handling'. These give people specific rights in relation to their personal information and put certain obligations on those organisations that are responsible for processing it.

Under section 42 of the DPA an individual can ask the Commissioner to conduct an 'assessment', that is, give a view as to whether it is likely or unlikely that an organisation has complied with the DPA in the situation that has been described to us. We are treating all these complaint as requests for assessments.

If we consider it is unlikely that an organisation has complied with the DPA our aim is to ensure that the organisation understands it's obligations and takes

any steps necessary to help ensure compliance with the principles either in that particular case or in the future. More information about our role is enclosed.

The use of personal data

All these individuals have complained that your organisation have obtained information from public authorities about freedom of information requests which have been made to them about the relationship between the public authority and Common Purpose.

This information has been compiled into a list which contains details of the request and also personal data such as names and addresses of the requester. This list has then been provided to other public authorities as a way for Common Purpose to demonstrate your view that the requests are vexatious. The first principle states:

"Personal data shall be processed fairly and lawfully."

From the information available to us it appears likely that Common Purpose has failed to comply with the first principle in this case. This is because an individual would not reasonably expect Common Purpose to use information which was provided to one public authority, to be passed onto multiple other public authorities. The processing was not therefore fair.

In light of this it is my assessment that it is unlikely that Common Purpose has complied with the DPA in these cases. To bring your processing into compliance with the DPA and prevent similar likely breaches in the future your organisation should remove all the personal data, obtained directly from public authorities from your list and cease providing this information to other public authorities.



SECTION
44 - FOIA

Subject access request

██████████ made a subject access request to your organisation on the ██████████
██████████ asking for:



[REDACTED]

The sixth principle states:

"Personal data shall be processed in accordance with the rights of data subjects under this Act."

From the information [REDACTED] has provided it appears likely that Common Purpose has failed to comply with the sixth principle in this case. This is because he did not receive a response to his subject access request dated within 40 days. It therefore seems likely that Common Purpose has breached the requirements of the DPA on this occasion. We would now expect a full response to be provided to [REDACTED] as a matter of urgency, if this has not already been done.

I would also be grateful if you could confirm whether your organisation holds any additional information about the source of [REDACTED] data and if so, provide this to him.

Notification

The Information Commissioner is also responsible for maintaining the public register of data controllers. Generally speaking the DPA requires every data controller who is processing personal data to 'notify' (that is have their details added to the register) unless an exemption applies. Failure to notify if required to do so is an offence. It seems likely that Common Purpose will be required to notify but I have been unable to identify a relevant entry on the register.

I have enclosed a copy of our 'Brief guide to notification' which you should read in order to determine whether Common Purpose is required to notify. If you feel that Common Purpose needs to notify, or you would like some information about the notification process, please see our website or call our notification helpline on 01625 545 740. If you do not feel that Common Purpose needs to notify, I would be grateful if you would let me know why this when you write in response to the matters described above. I would be grateful if you would confirm that all the actions outlined in this letter have been taken **within 28 days**

Finally you should be aware that the Information Commissioner often receives requests for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the DPA and the FOIA, it is in the public interest that we are open, transparent and accountable for the work that we do.

However, whilst we want to disclose as much information as we reasonably can, there will be occasions where full disclosure would be wrong. It is also important that the disclosures we make do not undermine the confidence and trust in the Commissioner of those who correspond with him.

When you reply to this letter, I would be grateful if you would indicate whether any of the information you provide in connection with this matter is confidential, or for any other reason should not be disclosed to anyone who requests it. I should make clear that simply preferring that the information is withheld may not be enough to prevent disclosure. You should have a good reason why this information should not be disclosed to anyone else and explain this to us clearly and fully.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

Ms Caroline Duckworth – Managing Director
Common Purpose
Discovery House
28 – 42 Banner Street
London
EC17 8QE

22nd September 2009

Reference: [REDACTED]

Dear Ms Duckworth

The Information Commissioner enforces the Data Protection Act 1998 (the DPA). The DPA has eight principles of 'good information handling'. These give people specific rights in relation to their personal information and put certain obligations on those organisations that are responsible for processing it.

We have received a complaint from the following individual concerning the processing of his personal information by [REDACTED]:

- [REDACTED]

[REDACTED] has complained that [REDACTED] provided Common Purpose with details of the request he made to them under the Freedom of Information Act 2000 (the FOIA). [REDACTED] has provided correspondence from Common Purpose which states that the information relating to this request, which was subsequently added to your organisations database of FOI requests, was not received from [REDACTED]

In order to consider [REDACTED] complaint against [REDACTED] I would be grateful if you could provide clarification of how the information relating to [REDACTED]'s FOIA request was obtained by Common Purpose. I would appreciate your written response **within 28 days**.

As you may be aware the Information Commissioner is responsible for maintaining the public register of data controllers. Generally speaking the DPA requires every data controller who is processing personal data to 'notify' (that is have their details added to the register) unless an exemption applies. Failure to notify if required to do so is an offence. It seems likely that

Common Purpose will be required to notify but I have been unable to identify a relevant entry on the register.

I have enclosed a copy of our 'Brief guide to notification' which you should read in order to determine whether Common Purpose is required to notify. If you feel that Common Purpose needs to notify, or you would like some information about the notification process, please see our website or call our notification helpline on 01625 545 740. If you do not feel that Common Purpose needs to notify, I would be grateful if you would let me know why this when you write in response to the matters described above.

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When you reply to this letter, I would be grateful if you would indicate whether any of the information you provide in connection with this matter is confidential, or for any other reason should not be disclosed to anyone who requests it. I should make clear that simply preferring that the information is withheld may not be enough to prevent disclosure. You should have a good reason why this information should not be disclosed to anyone else and explain this to us clearly and fully.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

16th October 2009

References: [REDACTED] and [REDACTED]

Dear Ms Howard

Re: Complaint made the ICO

Further to our telephone conversation I can confirm that I have extended the deadline for response on these cases by 1 week as requested. Your response is now due on **Tuesday 27th October 2009**. If you will be unable to respond within this time please let me know when you will be in a position to do so.

I note your comments about the postal strike. If you wish to e-mail your response to us to avoid any postal delays please reply to this message. Please do not change the subject line as this is formatted so that replies are added straight onto the correct case.

If you need any further information please do not hesitate to contact me.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

Many thanks for your prompt response
Joanne

Joanne Howard
Marketing Director

Common Purpose
Discovery House
28-42 Banner Street
London
EC1Y 8QE

T: [REDACTED]
M: [REDACTED]
F: +44 (0)207 336 8844

[REDACTED]@commonpurpose.org.uk
www.commonpurpose.org.uk

ckdimage001.gif@01C8C627.15209450

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France * Germany * Ghana * Hungary * India * Ireland * South Africa * Sweden * The Netherlands * Turkey * UK

From: casework@ico.gsi.gov.uk [mailto:casework@ico.gsi.gov.uk]
Sent: Friday, October 16, 2009 1:50 PM
To: Joanne Howard
Subject: Message from ICO[Ref: [REDACTED]]

18th October 2009

References: [REDACTED] and [REDACTED]

Dear Ms Howard

Re: Complaint made the ICO

Further to our telephone conversation I can confirm that I have extended the deadline for response on these cases by 1 week as requested. Your response is now due on **Tuesday 27th October 2009**. If you will be unable to respond within this time please let me know when you will be in a position to do so.

I note your comments about the postal strike. If you wish to e-mail your response to us to avoid any postal delays please reply to this message. Please do not change the subject line as this is formatted so that replies are added straight onto the correct case.

If you need any further information please do not hesitate to contact me.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

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Tel: 01625 545 700 Fax: 01625 524 510 Web: www.ico.gov.uk

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YouTube: <http://youtube.com/commonpurposeintl>
Common Purpose Blog: <http://commonpurpose.net>

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Dear Ms Byrne

Please find attached our response to your letters of 22nd September. You should have received a signed copy of this in the post via recorded delivery today, but given the postal strikes, I just wanted to be sure that you have an electronic copy also.

Best regards

Joanne

Joanne Howard
Marketing Director

Common Purpose
Discovery House
26-42 Banner Street
London
EC1Y 8QE

T: [REDACTED]
F: +44 (0)207 336 6844
M: [REDACTED]

[REDACTED]@commonpurpose.org.uk
www.commonpurpose.org.uk

cid:image001.gif@01C8C627.15209460

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France * Germany * Ghana * Hungary * India * Ireland * South Africa * Sweden * The Netherlands * Turkey * UK

From: casework@ico.gsi.gov.uk [mailto:casework@ico.gsi.gov.uk]
Sent: 16 October 2009 13:50
To: Joanne Howard
Subject: Message from ICO[Ref. [REDACTED]]

16th October 2009

References: [REDACTED] and [REDACTED]

Dear Ms Howard

Re: Complaint made the ICO

Further to our telephone conversation I can confirm that I have extended the deadline for response on these cases by 1 week as requested. Your response is now due on **Tuesday 27th October 2009**. If you will be unable to respond within this time please let me know when you will be in a position to do so

I note your comments about the postal strike. If you wish to e-mail your response to us to avoid any postal delays please reply to this message. Please do not change the subject line as this is formatted so that replies are added straight onto the correct case.

If you need any further information please do not hesitate to contact me.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

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COPY

23rd October 2009

Victoria Byrne
Casework and Advice Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Dear Ms Byrne

Thank you for your two letters of the 22 September 2009: one referenced [REDACTED] and one referenced with the names and addresses or contact details of five individuals whom we understand have submitted complaints to you alleging breaches of the Data Protection Act by Common Purpose.

We understand that you are treating all the complaints listed as requests for assessment under Section 42 of the Data Protection Act (DPA) 1998.

In making that assessment, I thought it would be helpful for us to supply you with all relevant background information and address each of the alleged breaches.

1. Common Purpose compiled a list of the names and addresses of individuals who had submitted FOI requests to public authorities. It then provided this list to other public authorities to demonstrate its view that such requests were vexatious. In doing so, it allegedly unfairly processed information and may have breached the DPA.

Our response:

- In July 2006, Common Purpose became aware that public bodies were receiving an increasing number of FOI requests about their dealings and expenditure with our organisation
- We identified a pattern and style to the FOI requests being sent to the public bodies – that appeared to be submitted by the same small number of individuals on an increasingly frequent basis
- We suspected that these individuals might be abusing the Freedom of Information Act (FOIA) to submit vexatious requests to public bodies as part of a wider and very public attack against Common Purpose
- We contacted Richard Thomas, Information Commissioner, on 25 February 2008 to seek his advice and he put us in touch with Jed Tracy of the Information Commissioner's office.
- Mr Tracy told Common Purpose's then marketing director Joanna Thorpe that a public authority could only decide if a request was vexatious if it could clearly demonstrate this was the case

Cont/...

Ms Byrne
23rd October 2009

- Mr Tracy suggested we should keep a list of the details of requests and those individuals making them and send this to other public bodies to help them determine if there was evidence of any vexatious use of the Act. We confirmed with our lawyers that this would not put us in breach of the Data Protection Act and in April 2008 we proceeded on this basis
- We were only ever aware of the details of requesters in a very small number of cases. The list has never been distributed widely or on a blanket basis.
- Three public bodies to our certain knowledge have taken the decision that the requests they received were vexatious; Durham Constabulary, North Yorkshire Police and Department for International Development
- We understand that these decisions have never been referred by the requesters to the ICO for a ruling.
- Three of the most prolific individuals on the list we had begun compiling – [REDACTED] – all appear on a number of websites and in the media, publicly stating their use of FOI requests in connection with Common Purpose.
- In June 2008 we were contacted by some public authorities to inform us that their data officers had received complaints about us allegedly breaching the Data Protection Act
- We immediately phoned to seek clarification from the ICO on the previous advice given to us by Mr Tracy and we also sought further independent legal advice as to whether we had breached the Act by acting on this advice.
- We had initially included addresses in a misunderstanding of what 'personal details' should be recorded. In August 2008 all addresses were removed and as a precaution we stopped sending out the list in early September 2008.
- We wrote to Charlotte Powell, the ICO's Internal Compliance Manager on 23 February 2009 to give her an update on the number of FOI requests about Common Purpose and that public bodies were receiving complaints from individuals that we had allegedly breached their data protection. Unfortunately we received no response from Ms Powell.
- In August 2009 we asked for and secured a meeting with the ICO, with Mr Clancy, to review the continuing negative attack on Common Purpose and seek further advice on how to act. This was a very helpful and detailed meeting. Mr Clancy also committed to follow up with further advice in writing on how to best deal with the situation, given that throughout the period above we continued to be subjected to this unpleasant attack. Several websites even contain a template FOI request about Common Purpose as well as 'presenting' the information gathered through the FOI responses. Mr Walker in particular has lodged over 150 FOI requests about Common Purpose, as stated on www.whatdotheyknow.com since 2008. Some public authorities, such as Kent Police, are declining to answer FOI requests about Common Purpose submitted by 'R.Soles' on the grounds that this is an offensive pseudonym and not a genuine contact name.

Given the above, Common Purpose – acting in good faith at all times - did not intentionally breach the Data Protection Act.

We have continually sought - and acted on - the advice and guidance of the ICO, as well as that of our own lawyers. At each and every stage, we have sought to respond legally and responsibly to what we believe is a vexatious use of the FOIA by a small group of individuals, some of whom have freely identified themselves by continuously libeling Common Purpose on the internet and in the media.

Cont/...

COPY

Ms Byrne
23rd October 2009

2. Common Purpose failed to respond to [REDACTED] subject access request (SAR) within the 40 days specified in the Data Protection Act.

Our response:

- Common Purpose did respond, in full, to [REDACTED] SAR within the 40 days timescale. The ICO already holds copies of the documentation that proves this, collected by Mr Clancy. We are happy to provide original documentation if this has been mislaid.
- We received [REDACTED] SAR, dated [REDACTED] of [REDACTED] and replied to him on [REDACTED]
- [REDACTED] was not satisfied with our reply and subsequently wrote again on [REDACTED]
- We sought legal advice and sent a further reply on [REDACTED] confirming we had no further information to add.

We are surprised that the ICO should include this allegation in its letter when it has copies of all relevant documentation and would therefore be in a position to check and confirm that no such breach had occurred in respect of [REDACTED]

3. Common Purpose should have notified the ICO as a body collecting personal data and been registered with it under the DPA

Our response:

- We have always had a registered Data Controller and I am sure that a close inspection of your records will show this.
- Common Purpose did indeed notify the ICO as required in June 2009 and sent the appropriate payment to cover the cost of renewal.
- We understand from the Notifications Dept that this payment was never taken and appears to have been lost in your system so our renewal had not been processed. We have resent this payment and the details you require.
- We have now organised for payment to be taken by Direct Debit, which we hope will ease the administrative burden on the ICO.

Cont/...

Ms Byrne
23rd October 2009

4. [REDACTED] and [REDACTED]

Turning to your letter referenced [REDACTED] of 22 September, I can confirm that [REDACTED] did NOT inform Common Purpose of [REDACTED] FOI request.

- [REDACTED] told us that a request had been made, but did not reveal the name of the author.
- We assumed it was [REDACTED] because at this time we were being informed about a lot of identical FOI requests from a wide range of public bodies and [REDACTED] had made FOI requests.
- When [REDACTED] contacted us with the details of the FOI request, a member of staff wrote down the details, and because they were identical to other requests we had received, she made a genuine mistake by assuming that this request had also come from [REDACTED]

The ICO will no doubt receive requests to disclose this letter under the FOIA. We respect that this is the decision of the ICO and we would be very grateful if you would contact us before disclosing this letter. Common Purpose has no objection to this letter being released in full; we would request however that if the ICO or the other parties do release it they do so in full and it is not posted in part on the internet and in the media.

It is worth adding that given the helpful, detailed and supportive nature of the meeting with Mr Clancy in August, we were very surprised to receive your letter asking Common Purpose to justify itself, rather than advice on how to deal with this attack. The ICO response was not only inconsistent with the spirit of the meeting, it also showed that there had been little handover on the case.

As outlined above, I believe we have acted in good faith at all times, clearly seeking the advice of the ICO and independent legal advice at every stage - specifically to ensure our compliance as Common Purpose has and continues to be the subject of vexatious use of the Data Protection Act by a small group of individuals.

Yours sincerely

Julia Middleton
Chief Executive

Direct Line [REDACTED]

Ms Julia Middleton – Chief Executive
Common Purpose
Discovery House
28 – 42 Banner Street
London
EC17 8QE

23rd November 2009

Reference: [REDACTED]

Dear Ms Middleton

Re: Complaint between [REDACTED] **and** [REDACTED]

Thank you for your letter dated the 23rd October 2009. I would like to apologise for the delay in responding to your letter. This has been due to being away from the office.

This letter will only address the complaint between [REDACTED] and [REDACTED]. I will respond to the other issues raised in your letter in due course. I can however confirm that your comments regarding any disclosure of your letter have been noted on our systems.

I wrote to you to ask for information to enable me to make an assessment as to whether it was likely or unlikely that [REDACTED] had acted in compliance with the DPA in the situation [REDACTED] described to us. You have provided us with the clarification I required in order to make this assessment.

I would like to thank you for your assistance with this complaint and your co-operation in providing us with the information we requested. As we do not need any further information from you, there is no need for you to respond to this letter.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

Ms J Middleton
Chief Executive Officer
Common Purpose
Discovery House
28-42 Banner Street
London
EC1Y 8QE

3rd December 2009

References: See below

Dear Ms Middleton

Re Complaints from:

-
-
-
-
-



Thank you for your letter dated 23rd October 2009 concerning the above complaints. I would like to apologise for the delay in responding to your letter, which was due to my absence from the office and the need to consult with a number of other individuals within the ICO on my return.

For the sake of clarity I will respond to your points using your headings. Please note however that point four of your letter has already been addressed under reference [REDACTED]. I also confirm that your comments regarding any disclosure of your letter have been noted on our systems. We will take these into account when considering our response to any related Freedom of Information Act request or subject access request we may receive.

1. Fair processing of personal data.

We received complaints from the individuals above that their personal data (in this case names and contact details) had been added to a list held by Common Purpose which was shared with public authorities who had received

certain Common Purpose related FOIA requests.

In my letter dated the 22nd September 2009 I advised you that it was my view that this practice was likely to have breached the first data protection principle which relates to the fair processing of personal data. I therefore advised you that it appeared unlikely that Common Purpose had complied with the DPA in this case. Please note that our assessment is our view or opinion based on the information provided to us, rather than a final determination of fact.

You have confirmed that in the past personal data was added to your list and shared with other organisations which in hindsight should not have been. We are pleased to note the steps that Common Purpose took to try to ensure compliance with the DPA. However, I am sure you appreciate that we are under a duty to make an assessment as to whether it is likely or unlikely that a breach of the DPA has occurred in these cases.

I note that Common Purpose is no longer sharing the information contained in your list of received requests and has demonstrated a willingness to ensure that future processing of personal data complies with the eight data protection principles. As such, we do not intend to take this matter further.

2. [REDACTED] subject access request

[REDACTED] complained to us as he believed that he had not been provided with a response to his subject access request dated the [REDACTED] (copy enclosed), in which he asked for [REDACTED] [REDACTED] also requested other information; however it is our view that this additional information is not covered by the subject access provisions of the DPA.

From the information [REDACTED] sent us, and the information you gave to my colleague Mr Clancy, it appeared that [REDACTED] had not been provided with a response to his subject access request dated the [REDACTED]. Whilst Common Purpose responded to [REDACTED] subject access request dated the [REDACTED], as described in your letter to me; there is no evidence to show that Common Purpose responded to his subsequent request. On this basis there is insufficient evidence to amend my original assessment.

In my previous letter I asked for confirmation that a response had been sent to [REDACTED] in relation to his subject access request dated the [REDACTED]. In your response you have not provided this confirmation. I would be grateful therefore if you could confirm in writing either:

- That [REDACTED] has been provided with details of [REDACTED]; Or
- Confirmation that [REDACTED] has been advised that details of [REDACTED]; [REDACTED] is not held by Common Purpose; Or
- Confirmation that [REDACTED] has been advised that [REDACTED] is held, but that your organisation considers this information to be exempt and the reason why. In this case please provide us with the withheld information.

I would be grateful if you could provide your response **within 14 days**.

3. Notification

From our records it shows that on the 8th June 2009 we sent Common Purpose a renewal notice. When we did not receive a response to this letter further reminders were sent on the 27th August 2009 and the 6th October 2009.

It seems that in response to the final letter Joanne Howard wrote to our notification team on the 16th October 2009 (copy enclosed) to advise us that the cheque had been sent in response to the 8th June 2009 renewal letter. However it appeared to have not reached the ICO. There is no evidence that the payment was lost in our systems and it appears more likely, as Ms Howard assumed that the payment was lost in the post.

Between June 2009 and October 2009 there was no active notification entry for Common Purpose. However, as you have now resent the cheque and set up a direct debit payment for future years, this matter is closed.

I understand that you were surprised to receive my assessment letter as you considered that the matter had been resolved with Mr Clancy. Please find enclosed a copy of an email the ICO Assistant Commissioner for Casework sent to Sir David Bell dated the 6th November 2009, which addresses this matter.

Finally I can confirm that the following cases have now been closed:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

We do however still require the information listed above in order to resolve [REDACTED]
[REDACTED] complaint (Reference: [REDACTED]).

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

COPY

Tim Wheeler
IT Service Manager
Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 01625 545623
tim.wheeler@ico.gsi.gov.uk
www.ico.gov.uk

From: Joanne Howard [mailto: [REDACTED]@commonpurpose.org]
Sent: 16 December 2009 17:19
To: casework
Subject: Reference [REDACTED]

Dear Ms Byrne

Please find attached my response to your letter of 3rd December 2010. Please do let me know if you require a hard copy as well as email and I will be pleased to post it to you. Please can you confirm receipt of this email.

Best regards

Joanne Howard

Joanne Howard
Marketing Director

Common Purpose
Discovery House
28-42 Banner Street
London
EC1Y 8QE

T: [REDACTED]
F: +44 (0)207 336 6844
M: [REDACTED]

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16th December 2009

Victoria Byrne
Casework and Advice Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Dear Ms Byrne

Thank you for your letter of 3rd December 2009 setting out your response to the complaints made regarding Common Purpose.

I am writing with regard to your request for further detail on [REDACTED] Subject Access Request. In our first letter we responded to you as follows:

1. Common Purpose failed to respond to [REDACTED] subject access request (SAR) within the 40 days specified in the Data Protection Act.

Our response:

- Common Purpose did respond, in full, to [REDACTED] SAR within the 40 days timescale. The ICO already holds copies of the documentation that proves this, collected by Mr Clancy. We are happy to provide original documentation if this has been mistaken.
- We received [REDACTED] SAR, dated [REDACTED] on [REDACTED] and replied to him on [REDACTED]
- [REDACTED] was not satisfied with our reply and subsequently wrote again on [REDACTED]
- We sought legal advice and sent a further reply on [REDACTED] confirming we had no further information to add.

As detailed above, we felt that we had answered [REDACTED] query in full, with hindsight it could have been more explicit on the question of his request for [REDACTED]. We do not, and have never held such information, therefore in our first response to [REDACTED] we gave him all the information we have.

I am pleased to enclose copies of both our first and second responses for your consideration.

Following our telephone conversation of 14th December 2010 in which you advised that we needed to write to [REDACTED] again and make it more explicit that we do not hold the information he sought, I have followed your instructions and enclose this correspondence for your records.

Yours sincerely

Joanne Howard
Data Controller

Ms J Middleton
Chief Executive Officer
Common Purpose
Discovery House
28-42 Banner Street
London
EC1Y 8QE

18th December 2009

Reference: [REDACTED]

Dear Ms Middleton

Re: Complaint from [REDACTED]

Thank you for your correspondence dated 16 December 2009 concerning [REDACTED] complaint.

As you have confirmed that [REDACTED] has now received a formal response to his subject access request dated [REDACTED] we do not intend to take any further action in relation to this complaint. This case has now been closed and there is no need to respond to this letter.

Yours sincerely

Victoria Byrne
Casework and Advice Officer

Tel: 01625 545 362

Copies of 'Notes' held on CMEH cases

RFA0234888:

30/09/2009 09:19	Victoria Byrne	Message left by Joanne Howard at Common Purpose who wanted to discuss the cases. I returned the call but no answer. I have left my direct dial so she can call back when convenient.
16/10/2009 13:51	Victoria Byrne	Joanne Howard called to request a 1 week extension - agreed
21/10/2009 09:37	Victoria Byrne	Joanne Howard called about notification. The notification lapsed which is why no record on register of data controllers. I have checked DUIS entry Z5347194 - notification are dealing with the renewal.
15/12/2009 09:19	Victoria Byrne	Called Joanne Howard at Common Purpose and confirmed what action they still need to take so the case can be closed.

From: Andrew Laing
Sent: 06 November 2009 16:02
To: [REDACTED] - SECTION 40 FOIA
Subject: Common Purpose

Dear Sir David,

I am emailing in response to your enquiry to Christopher Graham regarding Common Purpose and the Freedom of Information Act (FOIA) and Data Protection Act (DPA) related issues that you have highlighted. I should explain that I have responsibility for casework at the Information Commissioners office and hope that my response may help explain the context for our recent letter to the Common Purpose organisation and provide some reassurance that we are working across the office to try and resolve matters for all concerned.

I am aware that a number requests have been made under the Freedom of Information Act to various public authorities regarding their relationship with Common Purpose, and of Common Purpose's view that these requests may be part of a campaign which may damage those relationships. We, in turn, received a number of complaints from members of the public who made such requests. In some cases, individuals were concerned that their requests were not handed in compliance with the FOIA. In other cases they were concerned that the way their personal information was handled in order to process their FOIA request contravened the requirements of the Data Protection Act 1998.

Having carried out some preliminary investigation it appeared that Common Purpose may have been encouraging public authorities not to provide information in response to FOIA requests, by disclosing personal data in possible contravention of the principles of the DPA.

[REDACTED] - Section 31 - FOIA

Given that this matter appeared to raise concerns that were relevant to the FOIA, the principles of the DPA and DPA offences, all of which would usually be investigated by different teams within the ICO, representatives of these teams met on a number of occasions in order to determine the best way of dealing with complex and overlapping issues.

[REDACTED] Section 31
- FOIA

Mr Clancy also indicated that we had received individual allegations that Common Purpose had failed to comply with the subject access provisions of the DPA. It is my understanding that he explained one of his colleagues would write to Common Purpose in respect of the other matters of concern, and to give advice about how you could comply with the relevant legislation in the future.

Ms Victoria Byrne (whose role involves investigating alleged breaches of the DPA principles) wrote to Common Purpose on 22 September 2009. I can confirm that both officers were well aware of each other's involvement in this matter and that Mr Clancy had briefed Ms Byrne about his meeting before she wrote to you.

[REDACTED]

Section 31
- FOIA

Under section 42 of the DPA, individuals can ask the Information Commissioner to assess whether a particular instance of the processing of their personal data is likely or unlikely to have been conducted in accordance with the DPA. This means that we were legally obliged to formally assess each of the complaints we received about this matter, even though Mr Clancy had already mentioned them to you. This is why Ms Byrne wrote to Common Purpose on 22 September. I have reviewed her letter and do feel that she explained why she was writing, the nature of the concerns and the action we now expected from Common Purpose to ensure future compliance with the DPA.

I am really grateful for Ms Middleton's comprehensive reply to the enquiries and Ms Byrne will be considering the content and will respond in due course. I would like to reiterate that we are aiming to resolve matters for all parties as soon as we are able to do so. I am convinced that we have attempted to act appropriately when dealing with the issues found through our investigations, and raised with us by individuals, at the same time keeping within the legal framework in which the complaints activity must operate. That being said I also recognise that there is more that we can do to try and integrate the various departments and activities that are carried out across the ICO and I am aware that this is high on the Commissioner's agenda for the future.

Yours sincerely

Andy Laing
Assistant Commissioner - Head of Casework
Information Commissioner's Office
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