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From: David Clancy
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To: Lesley Bett;Charlotte Powell
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Lesley/Charlotte

At the case management hearing last Friday Mr Justice Vos outlined the disclosure regime that should take place in relation to the cases that may come before the court. This is as follows

- If a person believes that their voicemails have been hacked they should approach the Met and seek access to evidence to that fact.
- If the Met provide evidence to suggest that the person has been the target of hackers then the individual should commence an action before the civil courts.
- If they have commenced an action in the Civil Courts the CPR (Civil Procedure Rules) will apply. As News Group International (NGI) now have a copy of the Schillings bundle (identified in the court as the Motorman file) they should provide a copy of this file to the claimants as a part of the disclosure as it is relevant to the Proceedings. Mr Justice Vos made it clear that the file is relevant and that such a disclosure regime will prevent the need for the ICO to become involved in future proceedings.

In light of the above it is clear that if a request involves NGI we should consider disclosure only under the SAR procedure and refer the requestor to the above should they want additional disclosure. If the matter relates to a non NGI publication then we should revert to the previous stance of directing them to obtain a court order.

The case management hearing was a bit of a circus with around 30 Barristers/solicitors present so the word should go out to the legal profession that they should only come to the ICO in relation to new publications.

Hope this helps

Dave

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