19th January 2005

Richard Thomas
Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Dear Richard Thomas

Thank you for your letter of 20th December regarding my complaint, on behalf of the Campaign Against Arms Trade (CAAT), about Martin Hogbin following the Sunday Times story about the information gathering network run by Evelyn le Chene and used by BAE Systems. There are a number of points in the letter where I would appreciate clarification. We are also aware a similar letter was sent to MPs who took up the issues raised in the Sunday Times.

a) You say that your investigation "has not revealed any evidence that CAAT's membership lists, individuals' private donations or bank account details were divulged to any third parties by Evelyn le Chene."

However, I assume that this lack of evidence only relates to the complaint against Martin Hogbin which was made in respect of the emails he sent in the period after the Data Protection Act 1998 came into force. The files covering the period 1995 to 1997 passed to us by the Sunday Times and given to your investigators clearly show that information Mrs Le Chene gathered was passed on to the then British Aerospace; on at least two occasions - on 25th April and 23rd June 1997 - the company actually appeared to be asking for information about individuals. At this time, however, any such activities were covered by the 1994 Data Protection Act.

The MPs and others without full knowledge of the documentary evidence behind the Sunday Times allegations, the emails, the differences between the two Data Protection Acts and the formal complaint might by led by your letter to believe that the Sunday Times allegations - that Mrs Le Chene's company was spying on CAAT and some of its supporters and then passed the information on to British Aerospace - were themselves without foundation. I am sure this is not what you intended, but would be pleased if you could confirm my interpretation of the matter and clarify it with the MPs (and any others) you may have written to.

b) You say that "the investigation did establish that a former member of CAAT had been forwarding information by way of email. to a company with links to Evelyn le Chene." We would be pleased if you could formally name that person as the former CAAT staff member. Martin Hogbin.

c) CAAT would like information about the "company with links to Evelyn le Chene" if this can be made available. What was, or is, its name and address?

d) Your letter does not quote the address to which the emails were sent, that is, "[redacted]@jofa.demon.co.uk". Now that your investigation is complete, CAAT would like to publicise this address to other campaigning groups and warn them of its connection to Mrs Le Chene. Would this present any problems to yourselves?

d) Although Evelyn le Chene may have moved to France, Threat Response International still appeared to be trading nearly a year after the Sunday Times article appeared as an Annual Return was filed with Companies House on 19th August 2004. Even now, the Companies House website gives no indication the company has closed down. In August 2004 Evelyn le Chene was still named as a Director along with Barrie Gane and Robert Hodge. What efforts were made to question the latter two about my complaint?

e) You say that the although the information forwarded in the emails was confidential it was not "personal data" as defined by the 1998 Act. I should be pleased if you could explain this further as some of the emails which were the subject of the formal complaint contained what we understood was "personal data", for example, the email forwarded on 23rd April 2003 contained the telephone number of [redacted]

I should be grateful for a full written response to my queries.

Our solicitor, [redacted] has already spoken to [redacted] the investigating officer, and we intend to contact him to arrange a meeting to discuss this investigation and matters surrounding it in the context of a possible civil action. We trust you would have no objection.

I look forward to hearing from you.

Best wishes,

[redacted]