



Our Ref: KS/RJT/

Information Commissioner

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8<sup>th</sup> February 2005

Dear [REDACTED]

I refer to your letter dated 19<sup>th</sup> January 2005 and will deal with each of the points you raise in turn.

1. The files handed to my Investigator, [REDACTED] covering the period 1995 to 1997, did show that on a limited number of occasions some personal data had been obtained and passed on. However, no evidence was found as to where this personal data had been obtained and, in particular, it could not be established that it had been obtained from CAAT computer files.

You are correct in that, at the relevant time, the Data Protection Act 1984 was in force. The 1984 Act differed from the 1998 Act currently in force in that it only applied to data which was "registered" by the data user.

The press article suggested that Le Chene disclosed information to British Aerospace. Even if that could be proven our records show that neither Le Chene, nor any company run by her, was ever registered under the 1984 Act. As a result, other than the possible offence of "non registration", no offence was committed by the passing of this information.

2. I fully understand why you would like me to publish the name of the former member of staff from CAAT who was forwarding information by way of e-mail. However, in view of the fact that the decision has been taken not to institute any proceedings against that individual due to insufficient evidence, publication would be inappropriate.

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8<sup>th</sup> February 2005

Ann Feltham

3. The company found to have links with Le Chene was identified as a result of enquiries made, and information obtained under, the Regulation of Investigatory Powers Act 2000 for the purposes of the investigation. Section 59 of the Data Protection Act 1998 prohibits me from disclosing the results of such enquiries.
4. For the same reasons as (c) above I am afraid I cannot reveal the address to which the e-mail referred.
5. Some enquiries were conducted into Threat Response International Ltd, but only because Le Chene was shown as a Director of the company. No efforts were made to question other Directors of this company as there was no evidence to suggest this company had any involvement in the matter complained about.
6. I refer you to the recent Court of Appeal decision of *Durant v FSA* which considerably narrowed the definition of "personal data". Having examined the e-mails you refer to in the context of this decision, it was considered that the information forwarded in the e-mails was not "personal data" as the law stands.

Finally, if you do intend to commence civil proceedings against the parties allegedly involved, I have no objection to your Solicitor directly approaching Mr [REDACTED] who may be able to assist you further.

I hope that I have clarified the situation.

Please feel free to copy this letter to MPs and others with an interest in this matter.

Yours sincerely  
A handwritten signature in black ink, which appears to read 'Richard Thomas'. The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

**Richard Thomas**  
**Information Commissioner**