

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CLAIMS
MANAGEMENT REGULATOR AND THE INFORMATION
COMMISSIONER**

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Memorandum of Understanding between the Claims Management Regulator and the Information Commissioner

1. Introduction

- 1.1 The purpose of this memorandum of understanding (MOU) is to record the arrangements for cooperation on matters of common interest between the Information Commissioner (IC), and the Claims Management Regulator (CMR), currently part of the Ministry of Justice.
- 1.2 The IC and the CMR agree that this MOU is to be construed as a statement of intention only and neither the IC nor the CMR intends this MOU to be legally binding.

2. Statement of intent

To provide a framework for the relationship between the IC and the CMR that will lead to a constructive exchange of information. This will:

- assist the CMR in carrying out its duties in enforcing legislation and rules in the claims management sector, and
- assist the IC in carrying out his functions in enforcing the Data Protection Act 1998 ("DPA") and the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").

3. The role of the CMR

- 3.1 The CMR is responsible for the regulatory regime for claims management activities under Part 2 of the Compensation Act 2006 ("the Act"). The CMR's statutory powers in respect of claims management regulation derive from the Act, and its enforcement and enquiry powers are identified within the following sources:

- Enforcement provisions under the Act, Regulations and Rules.
- The application form for authorisation under the Act, which includes a declaration, signed by the applicant, worded as follows:-

"I authorise the MOJ to make such enquiries and to seek further information as it thinks appropriate to verify the information on this form and third parties to provide private data in response to such enquiries."

- The Conduct of Authorised Persons Rules, which require authorised claims management companies (CMCs) to respond to reasonable requests for information by the Regulator.

3.2 The CMR Enforcement Policy is published on the Claims Management Regulation pages of the Justice website at www.justice.gov.uk.

4. The role of the IC

The Information Commissioner is a Corporation Sole, appointed by Her Majesty The Queen under the Data Protection Act 1998, who reports directly to Parliament. The Commissioner's duties are to regulate and enforce compliance with the Data Protection Act 1998, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended), the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

5. The CMR and IC's information needs

5.1 The CMR and the IC will cooperate over an exchange of information about potential breaches of conditions of authorisation (rule breaches) by CMCs. Both the CMR and the IC recognise that such an exchange will benefit both parties.

5.2 The CMR acknowledges the need for information on breaches of legislation and rules by CMCs. It also acknowledges the need for knowledge of information relating to any changes in the way in which CMCs are operating.

5.3 The IC seeks this information for the purposes of carrying out his statutory functions under the DPA and PECR.

6. Information to be exchanged

6.1 Subject to legal constraints, the CMR agrees:

- to provide the IC with information as requested on CMCs and regulation, and actual and contemplated regulatory action that directly concerns the IC's operations;
- to provide the IC with information about matters of general principle or importance arising out of the exercise of its regulatory function under the Compensation Act 2006;
- to provide the IC with information about any proposed changes to rules on CMCs when it is relevant to the IC's functions.

6.2 Subject to legal constraints, including but not limited to s59 DPA, the IC agrees:

- to provide the CMR with information if it discovers evidence of a serious breach of legislation and/or rules including the Conduct of Authorised Persons

Rules by an individual CMC, including potentially inappropriate behaviour and poor levels of service;

- to provide the CMR with information it requests about an individual CMC to assist in the investigating of breaches of the Compensation Act 2006;

6.3 In relation to any unpublished information specific to an individual or business provided by the IC, and subject to its obligations under the Freedom of Information Act, the CMR agrees it will confer with the IC before responding to a freedom of information request.

6.4 Information exchanged between the CMR and the IC will only be used for the purpose for which it was exchanged and will not be further disclosed without the consent of the supplying organisation.

7. Contact points

7.1 The contact point within the IC for the purposes of this MOU is the PECR Investigations Team Manager, Enforcement Department, Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

7.2 The contact point within the CMR for the purposes of this MOU is the designated Policy and Regulation Manager (Kate Moore at the time of signing), Claims Management Regulation, Ministry of Justice, 4th floor, 102 Petty France, London, SW1H 9AJ.

8. Other assistance

8.1 The contact points within the IC and the CMR agree to meet at regular intervals to discuss activity in general and provide updates on matters of mutual interest.

9. Review, retention and disposal

9.1 This MOU will be reviewed annually by both parties.

9.2 Any proposed amendments to the MOU must be agreed in writing by both parties.

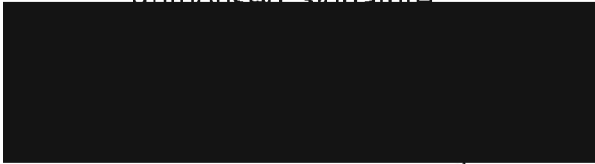
9.3 Information must not be retained for longer than is necessary for the purpose for which it has been disclosed.

9.4 Information will be disposed of/deleted securely in line with each party's respective record management procedures.

9.5 Each party shall bear its own expenses and costs for all negotiations and activities relating to this MOU.

10. Signed by

Authorised Signature:



Name and Title:

Stephen Eckersley
Head of Enforcement
Information Commissioner

Date: 11 OCTOBER 2012

Authorised Signature:



Name and Title:

Kevin Rousell
Head of Claims Management
Regulation

Date: 12 September 2012