

November 2013

Reference – ICO/TCA

Dear Sir

I am writing from the Information Commissioner's Office (ICO). We are the public body with responsibility for regulating compliance with the Data Protection Act 1998 in the UK. For more information about our role and work please refer to our website (www.ico.org.uk).

The reason I am writing to you is to tell you that during our investigation into employment blacklisting in the construction industry in 2009 we seized documentation from the office of a company called The Consulting Association (TCA). The investigation was about whether TCA and construction companies were acting in compliance with the Data Protection Act 1998. TCA later ceased trading and the ICO took enforcement action against some of the construction companies.

Some of the information we seized amounted to a 'blacklist' of individuals who were considered to pose a risk to their employers if employed within the construction industry. We have recently been trying to contact individuals who might have been affected by this practice. For many individuals, their National Insurance Number is listed within the seized information. We have matched these National Insurance Numbers with Department of Work and Pensions (DWP) records and have obtained what are believed to be up to date addresses. It is as a result of this exercise that I am writing to you.

We have identified some information within the seized documents which might relate to you.

At this point, we must stress that we cannot be sure whether or not the information we hold actually does relate to you. However, if you would like to find out whether it does, please follow the instructions on the enclosed factsheet. There is more information about your options and the background to this issue in the factsheet too.

If you would like to read more information about this online you can do so on our website – www.ico.org.uk/blacklist or you can contact our helpline on 0303 123 1113 where one of our advisers will be happy to help you.

Yours sincerely



Paul Arnold
Head of Customer Contact

ICO FACTSHEET

➤ **How do I find out if the information you have mentioned does relate to me?**

We ask that you contact us by post or email and provide some additional identifying information. We will then check the seized information and provide you with any information where we are satisfied that it relates to you.

In a few cases, there might not be enough information within the seized information to determine that it relates to a specific individual but if this is the case we will tell you.

We have included a template request letter that you can complete and sign – please return this to us with copies of the below. You will find our addresses on the back of the template letter.

Please provide:

- Your National Insurance number
- A copy of correspondence showing your name and current address
- Copy of identification showing your name and date of birth (for example, a copy of your passport or driving licence)
- List of your previous addresses (we ask for this because a lot of the information is old)

If we require anything further we will let you know.

➤ **How long will it take you to respond?**

Under the Data Protection Act 1998 we have 40 calendar days to respond to your request. Please be aware that we are likely to be dealing with a large volume of requests but we will respond to you as quickly as we can.

➤ **What are my options if I receive information from the ICO?**

If you do receive information that relates to you there are options available to you should you be interested in finding out more about your rights to take action against those responsible for the operation of the blacklist.

- If you are a trade union member you can seek advice from your trade union. Please see contact details below:

If you are, or have ever been, a member of GMB (or any union that joined GMB), the person to contact is Phil Read, GMB Blacklisting Liaison Officer, who may be contacted on 07840 897 997 or blacklisted@gmb.org.uk

If you are a member of UCATT, the Union of Construction, Allied Trades and Technicians (or previously the ASW, the ASPD, the ABT or the AUBTW) the person to contact is Kate Purcell who may be contacted on 020 7622 2442 or kpurcell@ucatt.org.uk

If you are a member of Unite the Union (or previously EPIU, EETPU, AEEU, T&GWU, AMICUS), the person to contact is Richard Arthur who may be contacted on 0117 304 2409 or Unite's solicitors - ellahobbs@thompsons.law.co.uk

- The Blacklist Support Group has been providing support to and campaigning on behalf of affected individuals. Their secretary is Dave Smith. Please see contact details below:

Email: blacklistsg@gmail.com

Blog: www.hazards.org/blacklistblog

Facebook: www.facebook.com/groups/blacklistSG/

The Blacklist Support Group is supporting an independent High Court action being brought by Guney, Clark and Ryan Solicitors. The person to contact is Liam Dunne on 0207 275 7788 or ldunne@guneyclarkryan.com

- A group of construction companies have developed a compensation scheme for affected workers. The scheme is now open and you can contact them via their website if you would like to find out more – www.tcwcs.co.uk.
- Or, you could seek independent legal advice.

➤ **Why is the ICO contacting me now?**

Since 2009 the ICO has operated a fast track helpline for individuals wishing to find out if they might have been affected by this. However, earlier this year we undertook to take all reasonable steps to proactively contact all the individuals where we possibly can. We have worked with trade unions, Equifax and the DWP in order to do this.

➤ **Why is the ICO not writing to everyone?**

In many cases the seized information relating is old and incomplete and there simply isn't enough information for us to be able to confidently identify an individual. We are contacting as many people as we can.

➤ **What did the ICO do about The Consulting Association and the construction companies which used it?**

The ICO prosecuted Ian Kerr, who ran The Consulting Association. He was fined 5,000 for a data protection offence and The Consulting Association ceased trading. The ICO also issued Enforcement Notices to 14 construction companies. You can read these Notices on our website.

- **I've heard there are other blacklists – what is the ICO doing about this?**

The investigation into The Consulting Association did not find evidence of other blacklists. This is the only blacklist held by the ICO. However, if you think you have any evidence about the operation of a further blacklist then you can contact our casework teams about this – casework@ico.org.uk

- **How do I find out more about the issue of blacklisting?**

There is information available on the ICO website – www.ico.org.uk/blacklist. The Scottish Affairs Select Committee is conducting a Committee inquiry into employment blacklisting and you can read more about this on their website - <http://www.parliament.uk/business/committees/committees-a-z/commons-select/scottish-affairs-committee/inquiries/parliament-2010/blacklisting-in-employment/>