

Philip Taylor

From: Philip Taylor
Sent: 02 June 2005 11:44
To: 'Katharine Courts'
Cc: Susan Fox; Janet Witkowski; Mark Thorogood
Subject: RE: Motorman Case

Katherine,

Further to our telephone conversation, Richard has asked that I liaise with you with regard to how we will deal with media queries arising out of the decision to discontinue the proceedings in Operation Motorman.

The case is being discontinued for legal reasons rather than any issues relating to a lack of evidence.

Bearing in mind some of the attraction that the case has already attracted it is imperative that there is a response ready even if it is not in the form of a press release which we would actively disseminate.

I don't know how you would change this into house style, but something like this could be used for starters to get all the relevant points across.

" The Information Commissioner has today served a Notice on Southampton Crown Court under Section 23 of the Prosecution of Offences Act 1985 in respect of Stephen Whittamore, Christopher Dewse, Andrew Lyle, John Gunning and Taff Jones. As a result of the service of this Notice the proceedings against these 5 individuals commenced by way of Summons issued on 1st April 2005 are brought to an end. All 5 had been summonsed for offences of conspiracy to commit offences in contravention of section 55 of the Data Protection Act 1998.

The Information Commissioner adopts the Code for Crown Prosecutors in all criminal proceedings he brings. As a result of a review of the proceedings made on 27th May 2005 and in the light of events which had taken place since the Informations were laid in March, it is felt that the continuation of these proceedings is no longer in the public interest. The Commissioner takes breaches of the Data Protection Act seriously, never more so than when they are committed in an organised fashion and for commercial gain as was clearly demonstrated by the evidence in this case.

The Information Commissioner has the power under Section 52(2) of the Data Protection Act 1998 to lay a report before Parliament in such circumstances as he sees fit. It is the Commissioner's intention to report to Parliament on this matter in due course.

At the request of the Defendants an Order was made under Section 4 of the Contempt of Court Act 1981 at Southampton Magistrates' Court on 17th May 2005 preventing the reporting of these proceedings so as not to prejudice the Administration of Justice in these and other proceedings elsewhere."

It's unfortunate that the notice of discontinuance concludes the proceedings for the purposes of the contempt of court act ie, it will no longer be an offence to publish a report of the proceedings, but if we mention that such an order was made it may temper down any reporting that may come from this.

I feel certain from the attitude of those I met at court that there is likely to be some hostility and negative comment at some point. Perhaps we could put together some thoughts as to how to deal with that as well.

Many thanks

Phil

02/06/2005

-----Original Message-----

From: Katharine Courts [mailto:

Sent: 02 June 2005 10:15

To: Philip Taylor

Cc: ICO Press Office

Subject: Motorman Case

Phil,

I believe that last time we spoke Motorman had had its first hearing and had been adjourned a week due to lack of defendant attendance. What's the update since then please? What happened at the following hearing and when is the next hearing?

Many thanks.

Katharine Courts

Account Manager

Citigate Communications



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