

Subject: Data Protection Concern:

2 March 2017

Case Reference Number xxxxxxxxxxxxxxxxxxxxxx

Dear Mr xxxxxxxxxxxxxxxxxxxx

I write to inform you that I have now completed my investigation into Mole Valley District Council's (the Council) disclosure of non-domestic rate payer information to Dorking Town Partnership (DTP).

In summary, it is my understanding that although DTP now have legitimate reasons for holding certain parts of the disclosed information, some data should not have been released in any event. This included:

- details of individuals who ceased to be non-domestic ratepayers in the Proposed Dorking Bid Area between the point of disclosure and 1 February 2017 (when DTP fulfilled the criteria for processing under Regulation 2 of the BID Regulations)
- the forwarding names and/or addresses of non-domestic ratepayers

When I wrote to you on 21 February 2017, I set out details of the Information Commissioner's powers. Based on the information you have provided, we have decided that a breach of the Data Protection Act (DPA) has occurred in this instance, but further regulatory action will not be required in this case. The reasons for this decision are below.

Our consideration of this case

I have investigated whether the Council have complied with the requirements of the seventh data protection principle, which states that:

"Appropriate technical and organisational measures shall be taken against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

As previously explained, the data in this case is considered to constitute personal data as defined by the Data Protection Act. Therefore, given that this information was disclosed prior to the conditions under Regulation 2 of the BID Regulations being met, a breach of the DPA has occurred.

After recognising this breach, the Council have explained that they addressed this matter with DTP directly to ensure that they were not processing any information other than that which was required as part of the BID process.

DTP have confirmed in writing that they had transferred some of the relevant details (ratepayer name and address details) onto their database for use in developing the BID Proposal for Dorking as permitted under the BID Regulations. However, no other contact details (email/telephone details) were provided to them and no information had been disclosed to third parties; save what is already available in the public domain.

In respect of the disclosure of the personal names and those who ceased to be responsible for business rates in the proposed BID area, the Council have established that approximately 30 individuals have been affected.

In light of this, the Council are currently in the process of writing to these individuals to inform them of the breach and provide advice accordingly. A copy of this letter has been supplied to the ICO as part of the Council's final response.

Furthermore, the Council have now taken steps to ensure that members of staff are aware of the requirement to pass any future requests for personal information through their Legal Services before disclosure to DTP.

Therefore, after careful consideration and based on the information provided, we have decided not to take any formal enforcement action on this occasion. This decision is due to the particular facts of this case and the remedial measures set out by the Council to ensure that similar instances are avoided moving forward.

Please note that the issues raised will be kept on file as this will help us over time to build up a picture of Mole Valley District Council's information rights practices.

Thank you for your co-operation and assistance during the course of our investigation.

We now consider the matter closed.

Yours sincerely

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Information Commissioner's Office