

Hn 0264

MR LANKESTER (No 10)

Mr Piddock (plans:)

cc Mr Ibbs

DATA PROTECTION LEGISLATION

B.

attached

Mr Halliday of the Home Office has copied to me his letter to you of 28 ~~September~~ enclosing a draft reply for the Prime Minister to Mr Charles Read's letter of 11 September about data protection. Mr Read, the Director of the Inter-Bank Research Organisation, is one of the Information Technology Advisers appointed earlier this summer by the Prime Minister.

2. I am generally content with the Home Office draft, subject to one important point. This relates to the statements in the third paragraph about the Government's decision not to establish an independent data protection authority.

3. This accurately reflects the view taken by the Home Affairs Committee in their discussion last February (H(81)4th Meeting). They were not in favour of establishing an independent Authority, and this "decision" has been included in various Home Office Ministerial statements since then. However, this remains an extremely contentious issue, on which the Government may be under considerable pressure, and which Ministers will undoubtedly need to consider again when the Home Office bring before them a draft White Paper (with Green edges) on data protection later this year.

see Home Affairs Nov 80: Data Protection

4. Home Office officials are currently drafting detailed proposals on the basis that the various responsibilities for registering computer systems, enforcing the new regime etc will be located entirely within the Home Office. There is, however, already strong opposition to this both inside and outside Government, the main doubt being whether such an "in house" arrangement would be credible either domestically or with our international trading partners. If it is not, the economic and other objectives of the legislation will not be achieved. These doubts are expressed strongly in the paper sent to the Prime Minister by Mr Read, and I have little doubt that similar views will be expressed by the other IT Advisers when the Home Office proposals are published later this year.

5. It would, of course, be wrong to preempt the outcome of further consideration of this issue now. I think, however, that the Prime Minister would be well advised to be a little less specific than the Home Office draft suggests, so that too many words



do not have to be eaten should the Government take a different view later. Ministers could well decide that some form of independent arrangement - which need not be a large 'authority' of the kind Lindop originally recommended - is necessary to achieve the objectives of the proposed legislation.

6. I suggest, therefore, that the third paragraph of the draft letter should be slightly revised as follows:-

"Timothy Raison has made it clear, in a letter replying to a recent approach from Sir Norman Lindop and in public speeches to the BMA and others, that the Government sees difficulties in the idea of an independent data protection authority and that under our proposals the Home Office would not exercise all the functions of an authority of the kind suggested by the Lindop Committee. In reaching this view we took into account the kind of arguments in favour of an authority which are included in your paper.

However, we are very much aware ...".

7. May I also suggest that the Prime Minister indicates that she will welcome the views of the IT Advisers in due course by adding something on the lines of the following to the last paragraph of the letter:-

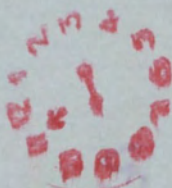
"I shall also be interested in any further views that you or the other Information Technology Advisers have on the proposals".

J B UNWIN

29 September 1981



12 9 SEP 1964



From: THE PRIVATE SECRETARY

C.F. 1759. No



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Type for PM, pl. 28.9.81
Attach Mr Raison's
letter for reference.

MAP 29/14.

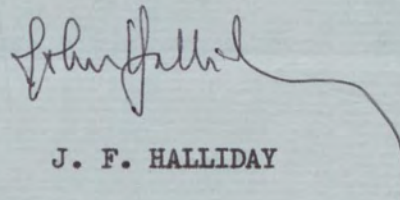
Dear Tim,

Thank you for your letter of 14th September enclosing a copy of one sent to the Prime Minister by Mr. Charles N. Read of the Inter-Bank Research Organisation about data protection. Mr. Raison received a similar approach from Sir Norman Lindop and you may like to have the enclosed copy of his reply.

Also enclosed is a draft reply for the Prime Minister to consider sending to Sir Norman. It deals only indirectly with the penultimate paragraph in his letter about interdepartmental co-ordination, but states implicitly that such co-ordination exists (in fact it involves a number of interested departments including Trade, Industry, and the main users of public sector computers) and draws attention to the role of the Information Technology Unit.

I am copying this letter and its enclosure to Brian Unwin in Cabinet Office.

Yours ever,


J. F. HALLIDAY

T. P. Lankester, Esq.

We are very much aware of the lively **interest** generated by the subject and of the **concern that** has been expressed in many quarters that our legislative proposals should be well-considered, adequate and consonant with developing international practice. You may be assured that the Government intends that its proposals should satisfy these criteria.

We have in mind to publish a more detailed account of our plans in a White Paper. This will embody the fruits of current interdepartmental consultations, to which the Information Technology Unit of Cabinet Office is making a helpful contribution.



10 DOWNING STREET

From the Private Secretary

14 September 1981

BF

I should be grateful for a draft letter for the Prime Minister to send in reply to the enclosed letter from the Director of the Inter-Bank Research Organisation concerning data protection and privacy legislation.

121/9

I am sending a copy of this letter and enclosure to Brian Unwin (Cabinet Office).

T. P. LANKESTER

J.F. Halliday, Esq.,
Home Office.

SP

14 September 1981

I am writing on behalf of the Prime Minister to thank you for your letter of 11 September.

This is receiving attention and a reply will be sent to you as soon as possible.

T. P. LANKESTER

Charles N. Read, Esq.