

Press Release

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Recruitment firms pay the price for non-notification

The failure to pay a £35 fee has led two recruitment firms to incur costs and fines of over £2,500. Time Recruitment Ltd and Aston Baird Solutions Ltd, trading as Hilliards Associates, have been successfully prosecuted by the Information Commissioner's Office (ICO) for offences under the Data Protection Act.

Time Recruitment Ltd was fined £300 by Birmingham Magistrates' Court and Hilliards Associates was fined £500 by Ely Magistrates Court in Cambridgeshire. Both courts ordered the firms to meet the ICO's prosecution costs totalling £1,753.20.

The prosecution follows the firms' failure to notify as data controllers despite repeated reminders from the ICO of their obligations under the Data Protection Act. Under the Act, small organisations that process individuals' personal information may be required to notify with the Information Commissioner at the cost of £35 per year.

Mick Gorrill, Assistant Information Commissioner at the ICO, said: "Organisations must take their data protection responsibilities seriously. These two prosecutions demonstrate that we stand ready to use our powers to prosecute the small minority of organisations that flout the Data Protection Act. The Act clearly states that organisations must be open about how they process personal information and in most cases those processing personal information must register with the ICO."

ENDS

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. Proceedings were brought against Aston Baird Solutions Ltd, trading as Hilliards Associates, as a result of its failure to notify with the Information Commissioner's office. A guilty plea was entered with Ely Magistrates Court and the recruitment company was sentenced to a fine of £500.00. The court made an order for the ICO's costs of £1,198.20 to be met by the defendant.
2. Birmingham Magistrates' Court convicted Time Recruitment Ltd of a non-notification offence and fined it £300 with costs of £555.00 awarded to the ICO.
3. By law, organisations that process personal information must notify the Information Commissioner's Office. A two-tier structure is based on an organisations size and turnover.
 - A £500 notification fee applies to data controllers with a turnover of £25.9m and 250 or more members of staff, or a public authority with 250 or more members of staff.
 - All other data controllers will remain in the lower tier category, paying £35 per annum unless they are exempt.
4. It is a criminal offence to process personal data without having notified the Information Commissioner, punishable by a fine of up to £5,000 in a Magistrates' Court and an un-limited fine in the Crown Court.
5. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
6. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
7. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
8. Organisations can now sign the Personal Information Promise to demonstrate their commitment to protecting people's personal information by visiting the website at www.ico.gov.uk
9. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection