

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 24 November 2008

**Public Authority:** Foreign and Commonwealth Office ('FCO')  
**Address:** King Charles Street  
London  
SW1A 2AH

### Summary

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The complainant requested copies of all information the then Foreign Secretary Sir Geoffrey Howe received which cast doubt on the evidence given by Carmen Proetta in the television programme 'Death on the Rock' which was broadcast in April 1988. This programme investigated the events surrounding the shooting of three IRA members by the SAS in Gibraltar in March 1988 and in the programme Mrs Proetta claimed she had witnessed the shooting and gave her account of the actions of the SAS. Although the Foreign and Commonwealth Office confirmed to the complainant that it held information falling within the scope of his request, it refused to disclose this information because it considered it to be exempt from disclosure by virtue of section 40(2) and 40(3) of the Freedom of Information Act (FOI Act). The Commissioner has reviewed the withheld information and has established that it constitutes the sensitive personal data of Mrs Proetta and as none of the conditions in Schedule 3 of the Data Protection Act can be met, disclosure would breach sections 40(2) and 40(3) of the FOI Act. However, in handling this request the Commissioner has concluded that the FCO breached section 17(1) by failing to provide a refusal notice within 20 working days.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 16 May 2007 the complainant wrote to the FCO in relation to the Thames Television programme 'Death on the Rock' which was screened in the UK on 28 April 1988. This programme focused on the incident of 6 March 1988 in which

three members of the IRA were killed by members of the British Special Forces. The request read:

*'I would like copies of all letters, memos or other documents received by Sir Geoffrey Howe, the Foreign Secretary from all or anyone who cast doubt on the evidence given by Carmen Proetta, a witness on the Death on the Rock programme about the shooting of Danny McCann and Sean Savage [Mairéad Farrell was also shot and killed] outside the Shell petrol station in Gibraltar. (Mrs Proetta said the terrorists were trying to surrender when they were shot but her account was hopelessly wrong). I believe that Jackie Wilkins or Jackie Finch... wrote to the Foreign Secretary saying that Carmen Proetta was not [emphasis in original] in Gibraltar on the day of the shootings. There may have been other letters or communication from residents of Gibraltar or residents in San Pedro de Alcantara in Spain where Mrs Proetta had another flat, or others with direct knowledge of events in Gibraltar on 6<sup>th</sup> March 1988 who wrote in or supplied information to the Foreign Secretary saying that Mrs Proetta was not in Gibraltar that Sunday or that she could not possibly have seen what she had said she had seen.'*

3. The FCO acknowledged receipt of this request on 17 May 2007.
4. In a letter dated 8 March 2007 (but obviously meant to be dated at some point in early June 2007, and in fact received by the complainant on 8 June 2007) the FCO confirmed that it did hold some information falling within the scope of the request. However, the FCO explained that it believed that a qualified exemption applied to this information, namely section 24 of the Act and it considered it necessary to extend the time of response to this request by 20 working days in order to consider the public interest test.
5. The FCO wrote to the complainant again on 12 July 2007 and informed him that it considered the information he had requested to be exempt on the basis of sections 40(2) and 40(3) of the Act. The FCO explained that it believed this exemption to apply because the requested information contained personal data, the disclosure of which would be unfair and would therefore breach the first data protection principle. The FCO's letter did not comment on its previous indication that it considered section 24 of the Act to be applicable to this request.
6. On 13 July 2007 the complainant contacted the FCO and asked it to conduct an internal review into its decision to withhold the information he had requested.
7. On 10 August 2007 the FCO informed the complainant that it had completed its internal review and concluded that it was correct to withhold the information requested information on the basis of sections 40(2) and 40(3) of the Act.

## The Investigation

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### Scope of the case

8. On 1 October 2007 the complainant contacted the Commissioner to complain about the FCO's decision to refuse to disclose the information he had requested on the basis of section 40 of the Act. The complainant highlighted a number of reasons (which are summarised below) why he believed that section 40 had been incorrectly applied.

### Chronology

9. The Commissioner wrote to the FCO on 27 May 2008 and asked to be provided with a copy of the information that had been withheld along with a detailed explanation as to why it considered this information to be exempt from disclosure on the basis of section 40 of the Act.
10. On the 14 August 2008 the FCO provided the Commissioner with a copy of the information falling within the scope of the request and an explanation as to why it considered this information to be exempt on the basis of section 40(2) and 40(3). The FCO noted that when it first received this request there may have been national security concerns regarding disclosure of this information, but following further consideration this was not the case hence it did not rely on section 24.

### Analysis

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#### Exemption

11. Section 40(2) read with section 40(3) provides an exemption for information which is the personal data of any third party where disclosure would breach any of the data protection principles contained in the Data Protection Act 1998 (DPA).

#### Whether the information constitutes personal data

12. In order to rely on the exemption provided by section 40, the information being requested must firstly constitute personal data as defined by the DPA.

13. Section 1 of the DPA defines personal data as:

*'...data which relate to a living individual who can be identified*  
*a) from those data, or*  
*b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,*

*and includes any expression of opinion about the individual and any indication of the intention of the data controller or any other person in respect of the individual.'*

14. Section 2 of the DPA also defines information which is 'sensitive personal data' and this means personal data consisting of information as to:

*'(g) the commission or alleged commission by him [i.e. the identifiable individual] of any offence, or*

*(h) any proceedings for any offence committed or alleged to have been committed by him,, the disposal of such proceedings or the sentence of any court in such proceedings'*

15. The complainant has argued that in his opinion it is unlikely that the withheld information constitutes the personal data of the authors of the letters as 'any letter...was hardly likely to be a biographical letter setting out the writer's personal details if its principal purpose was to comment on the account given by Mrs Proetta of her account of the shootings'. (Albeit that the complainant appeared to accept that the withheld information would constitute the personal data of Mrs Proetta.)
16. Clearly, the Commissioner, unlike the complainant, has had the benefit of examining the withheld information. Having reviewed this information the Commissioner is satisfied that it does constitute the personal data of the parties who contacted the British Government because the information does in fact include some biographical details of these individuals and it therefore falls within the definition of personal data as quoted above. In addition, the withheld information also contains various opinions of the individuals who contacted the British Government and thus falls within the criterion of the DPA which defines personal data as 'expressions of opinion'. Furthermore, in part, some of this personal data also constitutes the sensitive personal data of these parties.
17. The Commissioner has also concluded that all of the withheld information is the personal data of Mrs Proetta and moreover that all of this information is also her sensitive personal data as defined by the DPA.
18. Finally, the Commissioner believes that the withheld information also contains the personal data, and in some cases the sensitive personal data, of a number of third parties, i.e. neither the individuals who contacted the British Government and nor Mrs Proetta.
19. On this basis the Commissioner is satisfied that that the requested information falls within the scope of section 40(2) of the Act.
20. In the circumstances of this case the Commissioner does not feel able to provide any further explanation as to why the withheld information constitutes the personal data, and in some cases the sensitive personal data of various individuals, because to do so would risk revealing the nature of the exempt information itself.

### **The first data protection principle**

21. The first data protection principle states that:

*'Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

- (a) at least one of the conditions in Schedule 2 is met, and*
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.'*

22. Therefore in order for sensitive personal data to be disclosed under the Act, four criteria have to be met:

- Disclosure must be fair;
- Disclosure must be lawful;
- Disclosure must meet at least one of the conditions in Schedule 2; and
- Disclosure must meet at least one of the conditions in Schedule 3.

23. Given the nature of information which falls within the definition of 'sensitive personal data' the conditions set out in Schedule 3 set what can be seen as a high threshold which has to be met in order for information to be disclosed, particularly when compared to the conditions contained in Schedule 2.

24. Therefore, the Commissioner's approach when considering whether sensitive personal data should be disclosed under the Act, is to begin by considering whether any of the conditions in Schedule 3 can be met rather than to begin by considering whether disclosure is fair, lawful or a condition in Schedule 2 can be met. Clearly with regard to disclosure of sensitive personal data, it is academic if disclosure is fair, lawful and a Schedule 2 condition can be met if the higher test of meeting a Schedule 3 condition cannot be met.

25. Consequently, the Commissioner has set out below his consideration as to whether disclosure of the withheld information in this case meets any of the conditions contained in Schedule 3. However, before doing so, he has summarised the complainant's submissions to the Commissioner in relation to the FCO's reliance on section 40 of the Act. Although these submissions focus in part on issues of fairness, the Commissioner believes that in an indirect way they may affect the analysis as to whether a condition in Schedule 3 is met. In summary the complainant argued that:

- Disclosure of information which cast doubt upon Mrs Proetta's comments could not be unfair to her because *she* had chosen to place in the public domain what were considered to be controversial comments by taking part in the 'Death on the Rock' television programme and subsequently giving evidence to Gibraltar's Coroner's Court inquest.
- The complainant also argued that there is a clear public interest in disclosure of the documents if they show that Mrs Proetta's evidence in the Death on the Rock was wrong, tainted or fabricated. If the Secretary of State received letters casting doubt on the fact that Mrs Proetta was not even in Gibraltar on the day of the shooting then in the complainant's opinion 'her evidence must have been made up and it **MUST** be in the public interest that that fact is made public to correct the wholly inaccurate

evidence she gave in affidavit form and then repeated in Death on the Rock and subsequently at the Gibraltar's Coroner's Court inquest'.

26. The Commissioner has listed in the legal annex attached the text of Schedule 3 of the DPA. In the Commissioner's opinion the majority of these conditions are irrelevant to the consideration of this case – for example the second condition which deals with processing for employment purposes and the eighth principle which deals with the processing of sensitive personal data for medical purposes. In fact the only conditions that the Commissioner believes may be relevant to this request are the first, third and fifth.
27. With regard to the first condition, the Commissioner is not aware that Mrs Proetta has 'explicitly consented' to the disclosure of the requested information and thus the first condition is not met.
28. The Commissioner acknowledges the significant controversy that the shooting and subsequent television programme created and therefore accepts that there maybe, as the complainant has argued, a public interest in disclosure of information which could add to the debate surrounding this controversial incident and the events that followed. However, the Commissioner does not believe that this can be equated to mean that the processing is necessary in order to 'protect the vital interests of... another person' as required by the third condition. In the Commissioner's opinion, the term 'vital interests' implies a situation involving life and death – e.g. the disclosure by an employer of a member of staff's sensitive personal data maybe required in a medical emergency. The Commissioner does not believe that the interests of various parties in disclosure of the withheld information can be accurately described as 'vital'.
29. To some extent the Commissioner accepts the complainant's argument that by appearing on the television programme 'Death on the Rock' and subsequently appearing in court, it could be argued that Mrs Proetta invited public interest in her comments. However, the Commissioner does not accept that these actions can be seen to equate to the circumstances outlined in the fifth condition because whilst Mrs Proetta's actions drew attention to the events of March 1988 and her opinion of them, they did not result in the contents of the withheld information being made public.
30. On the basis that no condition contained in Schedule 3 of the DPA is met, the Commissioner is satisfied that disclosure of the requested information would breach section 40(2) of the Act because section 40(2)(a) is engaged as the requested information is personal data and section 40(2)(b) is engaged as the condition in 40(3)(a)(i) is met.
31. However, even if it was possible to met a Schedule 3 condition (and by implication the remaining three criteria set out at paragraph 22 above) with regard to the processing of Mrs Proetta's sensitive personal data, as the requested information also contains the personal data (and in some cases the sensitive personal data) of the individuals who contacted the British Government and other third parties, in order for this information to be disclosed under the Act the

requirements of the first data protection principle would have to be met with regard to the personal data of all of these other individuals.

32. Given the Commissioner's conclusion at paragraph 30, he does not need to go on to consider in full whether the disclosure of these individuals' personal data would breach the first data protection principle; even if it would be fair and lawful to disclose these individual's personal data, and a condition in Schedule 2 could be met, the information would still be exempt from disclosure on the basis of section 40(2) because it is Mrs Proetta's sensitive personal data and a Schedule 3 condition cannot be met. However, for the sake of completeness the Commissioner wishes to make it clear that he disagrees with the argument advanced by the complainant that it is not reasonable to argue that those who wrote to the Foreign Secretary would have expected their communications 'to be kept secret or not acted upon'. The complainant suggested that if these individuals were sufficiently motivated to contact the British Government then it must have been with the intention of contributing to the public debate surrounding Mrs Proetta's comments on the programme 'Death on the Rock'. The complainant implied that unless such communications were marked 'Strictly private and confidential' there would be an expectation by the author that they may be disclosed.
33. In response to this point the FCO argued that the individuals who contacted the Foreign Secretary would have had a reasonable expectation, given the circumstances in which the information was provided, that such information would not be disclosed in response to an information access request or otherwise. The FCO argued that contrary to some of the complainant's communications with it, it was not necessary for a sender of a communiqué to mark that document private or confidential in order to highlight the fact that they expected that such a document would not be shared with third parties. The FCO noted that individuals' approaches to the Foreign Secretary date from well before the Act was a consideration.
34. Having considered these points, the Commissioner disagrees with the complainant that the authors of these letters would have not expected the letters they sent to be kept secret because the whole purpose of writing these letters was to contribute to the public debate on this issue. Rather the Commissioner agrees with the FCO that there may be many different reasons why these individuals may have chosen to contact the British Government and without wishing to speculate as to what these reason may have been, in the Commissioner's opinion these reasons would not mean that the authors would have expected, or indeed wanted, their communications placed in the public domain. The Commissioner believes that this conclusion is re-enforced by a review of the withheld information itself. Therefore, in the Commissioner's opinion the individuals who contacted the British Government would have had a reasonable expectation that information they provided would not be placed in the public domain and therefore disclosure would be unfair.
35. Furthermore, the Commissioner notes that the withheld information contains the personal data of a number of third parties (i.e. not the individuals who contacted

the British Government or Mrs Proetta) and in his opinion these individuals would have no expectation that their personal data would be disclosed.

### **Procedural Matters**

36. Section 17(1) of the Act requires public authorities to provide applicants with a refusal notice stating the exemptions it is relying on within 20 working days of the request. In this case the complainant submitted his request on 16 May 2007 and the FCO did not provide him with a refusal notice citing sections 40(2) 40(3) until 12 July 2007. Therefore in handling this request the Commissioner has concluded that the FCO breached section 17(1) of the Act.

### **The Decision**

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37. The Commissioner's decision is that the public authority was correct to withhold the information falling within the scope of the request on the basis that it is exemption by virtue of section 40(2) read with 40(3) of the Act. However, in handling this request the Commissioner has concluded that the FCO breached section 17(1) of the Act.

### **Steps Required**

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38. The Commissioner requires no steps to be taken.



## Right of Appeal

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39. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).  
Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 24<sup>th</sup> day of November 2008**

**Signed .....**

**Steve Wood  
Assistant Commissioner**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

### Freedom of Information Act 2000

#### Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

#### Section 17(1) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.”

#### Section 17(2) states –

“Where–

(a) in relation to any request for information, a public authority is, as respects any information, relying on a claim-

(i) that any provision of part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or

(ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and

(b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.”

**Section 17(3)** provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

**Section 24(1)** provides that –

“Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.”

**Section 24(2)** provides that –

“The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.”

**Section 24(3)** provides that –

“A certificate signed by a Minister of the Crown certifying that exemption from section 1(1)(b), or from section 1(1)(a) and (b), is, or at any time was, required for the purpose of safeguarding national security shall, subject to section 60, be conclusive evidence of that fact.”

**Section 24(4)** provides that –

“A certificate under subsection (3) may identify the information to which it applies by means of a general description and may be expressed to have prospective effect.”

**Section 40(2)** provides that –

“Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.”

**Section 40(3)** provides that –

“The first condition is-

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
  - (i) any of the data protection principles, or
  - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.”

## Data Protection Act 1998

### Part I

- 1) In this Act, unless the context otherwise requires—

“personal data” means data which relate to a living individual who can be identified—

- (a) from those data, or
  - (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,
- and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

- 2) Sensitive personal data

In this Act “sensitive personal data” means personal data consisting of information as to—

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union (within the meaning of the [1992 c. 52.] Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) his physical or mental health or condition,
- (f) his sexual life,

- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

## Schedule 1

The first principle states that:

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- (a) at least one of the conditions in Schedule 2 is met, and
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

## Schedule 2

Conditions relevant for purposes of the first principle: processing of any personal data

1. The data subject has given his consent to the processing.
2. The processing is necessary— (a) for the performance of a contract to which the data subject is a party, or (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary—
  - (a) for the administration of justice
  - (b) for the exercise of any functions conferred on any person by or under any enactment
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department
  - (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.
6. — (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.  
  
(2) The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

### Schedule 3

Conditions relevant for purposes of the first principle: processing of sensitive personal data

1. The data subject has given his explicit consent to the processing of the personal data.

2.

(1) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.

(2) The Secretary of State may by order—

(a) exclude the application of sub-paragraph (1) in such cases as may be specified, or

(b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

3. The processing is necessary—

(a) in order to protect the vital interests of the data subject or another person, in a case where—

(i) consent cannot be given by or on behalf of the data subject, or

(ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or

(b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.

4 The processing—

(a) is carried out in the course of its legitimate activities by any body or association which—

(i) is not established or conducted for profit, and

(ii) exists for political, philosophical, religious or trade-union purposes,

(b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,

(c) relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and

(d) does not involve disclosure of the personal data to a third party without the consent of the data subject.

5. The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.

6. The processing—

(a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),

- (b) is necessary for the purpose of obtaining legal advice, or
- (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

7.

- (1) The processing is necessary—
  - (a) for the administration of justice,
  - (b) for the exercise of any functions conferred on any person by or under an enactment, or
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.
- (2) The Secretary of State may by order—
  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

8.

- (1) The processing is necessary for medical purposes and is undertaken by—
  - (a) a health professional, or
  - (b) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.
- (2) In this paragraph “medical purposes” includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.

9.

- (1) The processing—
  - (a) is of sensitive personal data consisting of information as to racial or ethnic origin,
  - (b) is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and
  - (c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.
- (2) The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

Reference: FS50178913



Information Commissioner's Office

**10.** The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.