



Information Commissioner's Office

Promoting public access to official information
and protecting your personal information

Mr D Russell



19th December 2007

Case Reference Number RFA0176941

Dear Mr Russell,

I write with reference to your complaint of 24 September 2007 following on from your email of 12 September 2007 and my letter to you of 21 November 2007. I have now received a substantive response to my enquiries under the Data Protection Act 1998.

Before I deal with the issues raised in your Data Protection complaint to us it is extremely important that you understand the nature of the role of the Commissioner, his powers and what you can expect from him. Please read the information enclosed carefully. It has been designed to ensure that individuals are clearly aware, at the outset, of the type of response that they may get to their correspondence with us.

I should make clear that I was solely considering your Data Protection complaint, under our powers under Section 42 of the Data Protection Act 1998. I am aware that you have a separate complaint with our office under the Freedom of Information Act 2000. Your Freedom of Information complaint will be considered separately by the Information Commissioner's office and you shall be written to as appropriate in due course.

My role in assessing your complaint under Section 42 of the Data Protection Act 1998 is for me to assess whether, in my opinion, I consider the Data Protection Act 1998 likely to have been contravened.

Your complaint related to the copying of an emailed response to a Freedom of Information request you had made to a number of third party individuals. The disclosure was seemingly of the fact of your Freedom of Information request(s) and your personal email address.

I have formed the opinion that I consider the security requirements of the Data Protection Act 1998 likely to have been contravened by way of the disclosure



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of information evidenced in your complaint.

I understand from the Forestry Commission Scotland that the error in sending out the correspondence was recognised immediately following the incident. I have received adequate assurances from the organisation to satisfy me that future contraventions of the Data Protection Act 1998 of a similar nature are unlikely to occur within Forestry Commission Scotland.

I do not intend taking any further action following your complaint at this time. We shall in any event, retain a record of the matter in case any similar issues regarding the organisation come to our attention.

I hope our Data Protection assessment process has been helpful to you, thank you for bringing this issue to our attention. As I stated above your Freedom of Information complaint shall be considered separately in due course, I apologise for our delays in replying to you.

Yours sincerely,


Benedict Elliott (Mr)
Casework and Advice Officer