

Mr F M G [REDACTED]

16th May 2011

Case Reference Number RFA0369450

Dear Mr G [REDACTED],

When I last wrote to you, I explained that when we receive data protection complaints, our obligation is to make an assessment. An assessment is the Information Commissioner's view about whether an organisation has followed the rules of good practice for handling information in the Data Protection Act 1998 (the DPA).

I also explained that our aim is to ensure that organisations deal with personal information properly in the future. Our assessment decisions can help us to decide whether we should take action against a particular organisation.

Our decision

I wrote to Lancashire Fire and Rescue Service about this matter and have now received its response. **On the basis of all of the information provided by you and Lancashire Fire and Rescue Service, we have decided that it is unlikely that Lancashire Fire and Rescue Service has complied with the requirements of the DPA in this case.**

This is because the ICO consider the personnel filing system at Lancashire Fire and Rescue Service to fall under the DPA, and therefore the Lancashire Fire and Rescue Service obliged to comply with your subject access request.



It should however be noted that Lancashire Fire and Rescue Service had sought to rely on some guidance issued by the ICO, and which appeared on our website. This guidance did not however accord with the ICO's view and has now been removed from our website and an updated version issued, a copy of which has been provided to Lancashire Fire and Rescue Service.

The Information Commissioner has decided that further regulatory action is not required at this time.

We have however advised Lancashire Fire and Rescue Service that we consider them to need to revisit your subject access request and provide you with a copy of the personal data you are entitled to receive from your Lancashire Fire and Rescue Service personnel file.

If they do not contact you directly I would suggest that you write to Lancashire Fire and Rescue Service 'restating' your subject access request and referring to your complaint to the ICO.

Next steps

However, most organisations want to put things right when they have gone wrong and learn from complaints that are raised with them. We have therefore asked Lancashire Fire and Rescue Service to consider the lessons learned during the course of this assessment and take steps to prevent the situation from happening again.

We will keep a record of your complaint and take this assessment into account if we receive further complaints about Lancashire Fire and Rescue Service. The information we gather from complaints may form the basis for action in the future.

Thank you for bringing this matter to our attention.

Yours sincerely,



Benedict Elliott

Case Officer – Complaints Resolution (Group 1)
Direct telephone 01625 545849

