

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 19 May 2009
Report of: Procurement manager
Title: Illegal Personal Data

1.0 Purpose of Report

- 1.1 To identify the actions that can be taken to ensure that contractors supplying services to the council give an assurance that they do not use companies that sell illegal, personal data like 'The Consulting Association' to vet potential staff.

2.0 Decision Required

- 2.1 To agree to the development of appropriate clauses that can be built into our procurement process to ensure that the council does not contract with contractors that use companies that sell illegal, personal data to vet potential staff.
- 2.2 To explore the recommendation that potential contractors use the Information Commissioners framework code of practice for sharing personal information as an example of best practice.
- 2.3 To agree to seek assurance from any current contractors that the council currently contracts with that subscribed to The Consulting Association database to seek assurance that they will no longer use companies that sell illegal, personal data to vet potential staff.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None identified

5.0 Legal Implications

- 5.1 The use of the Information Commissioners Office code of practice for sharing personal information is a voluntary code and not one that can be enforced, however the council can insist that potential suppliers use the code where this is considered necessary.

- 5.2 The development of appropriate contract clauses will be legally enforceable within the contracts.

6.0 Risk Assessment

- 6.1 No major risks identified as potential contractors are unlikely to object to the inclusion of any clauses or the use the Information Commissioners framework code of practice for sharing personal information as this is an example of best practice.
- 6.2 Some current contracts are held jointly with Cheshire West and Chester and would require the same response from that council in order to effect and change in contract conditions.

7.0 Background and Options

- 7.1 The Information Commissioners Office (ICO) advises that compiling and operating an intelligence database, even where this is done covertly, does not automatically breach the Data Protection Act. Each case must therefore be considered on its own merits.
- 7.2 They advocate that contractors commit to compliance with the ICO framework code of practice for sharing personal information. The framework code is intended to be of use to all organisations involved in information sharing throughout the UK, including voluntary bodies.
- 7.3 The Information commissioners office has taken control of the consulting associations database and set up a telephone service for people to check whether information about them was held on The Consulting Association's database. This service will be provided by the ICO, not The Consulting Association, and will be available until 1 September 2009. After this date the ICO intend to securely dispose of the database.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The adoption of appropriate clauses in contracts and Pre Qualification Questionnaires will become best practice and is not anticipated to have any major issues in Year one and Term One.

9.0 Reasons for Recommendation

- 9.1 To ensure that the council does not contract with contractors that use companies that sell illegal, personal data to vet potential staff.

For further information:

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Background Documents:

Documents are available for inspection by contacting the officer named above.