

Summary: Intervention & Options

Department /Agency:
Ministry of Justice

Title:
Impact Assessment of new custodial sanctions for a breach of section 55 of the Data Protection Act 1998

Stage: Consultation

Version: Draft 2.0

Date: 13 October 2009

Related Publications: 'Increasing penalties for deliberate and wilful misuse of personal data' - DCA consultation paper CP9/06 (launched 24 July 2006)

Available to view or download at:

http://www.dca.gov.uk/consult/misuse_data/cp0906.htm

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What is the problem under consideration? Why is government intervention necessary?

Making an Order under section 77 of the Criminal Justice & Immigration Act 2008 will allow for the option of a custodial sanction for offences committed under section 55 of the Data Protection Act 1998 (DPA), the knowing or reckless obtaining, disclosing or procuring the disclosure to another person of personal data. This was called for by the Information Commissioner in his evidence to the Culture, Media and Sport Select Committee inquiry on 'Press Standards, Privacy and Libel' in September 2009. A custodial sanction will provide public reassurance that the Government will take appropriate action to protect people from this type of crime and uphold the right for individuals to have their personal data protected.

What are the policy objectives and the intended effects?

To deter more effectively the knowing or reckless misuse of personal data by adding to the current fiscal sanctions a more severe but proportionate custodial sentence. The current penalties are easily affordable for many illegal traders, and the possibility of a prison sentence on a criminal record should help to act as a deterrent.

However, the Government has no intention of curtailing legitimate and responsible journalism. It therefore intends to commence simultaneously the additional defence for a person acting for the purposes of journalism, art and literature if it is with a view to publishing such material and it is in the reasonable belief that the obtaining, disclosing or procuring was in the public interest, as inserted into the DPA by section 78 of the Criminal Justice & Immigration Act 2008.

What policy options have been considered? Please justify any preferred option.

One option is being considered, assessed against a do-nothing 'base case'. This is to introduce the availability of a new custodial sanction of up to two years' imprisonment for conviction on indictment and twelve months' imprisonment for summary conviction for offences committed under section 55. The Government intends to introduce the new journalistic defence at the same time to ensure there is no 'chilling effect' on responsible investigative journalism.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The policy will be reviewed in 5-10 years

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



..... Date: 13 October 2009

Summary: Analysis & Evidence

Policy Option: 1

Description: Introduce custodial sentences for offences committed under section 55 of the Data Protection Act 1998

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' If those convicted of section 55 offences are given a custodial sentence there will be a small impact on the prison service. There will also be an increased possibility of legal aid being provided in cases where the defendant is liable to a prison sentence and / or the case is heard in the Crown Court rather than just the Magistrates' Court.
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 20,000		Total Cost (PV) £ 200,000
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' There are no key monetised benefits.
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£ 0		Total Benefit (PV) £ 0
Other key non-monetised benefits by 'main affected groups' The key benefit for citizens is greater safeguards on their privacy and personal safety by deterring people from taking part in the illegal trade in personal data. The subsequent increased confidence may encourage people to provide their details to bodies in both the public and private sector and so access services more easily.			

Key Assumptions/Sensitivities/Risks The figures presented are based on a scenario in which two prosecutions take place per year, with one resulting in a custodial sentence of one year. We assume that one case will be heard in the Magistrates' Court and one in the Crown Court, and that all of these cases will be eligible for legal aid.

Price Base Year 2009	Time Period Years 10	Net Benefit Range (NPV) £ 100,000 to -1,500,000	NET BENEFIT (NPV Best estimate) £ -200,000
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	April 2010			
Which organisation(s) will enforce the policy?	NOMS, CPS, HMCS			
What is the total annual cost of enforcement for these organisations?	£20,000			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	Yes			
What is the value of the proposed offsetting measure per year?	£ n/a			
What is the value of changes in greenhouse gas emissions?	£ n/a			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)	
Increase of	£ -	Decrease of	£ -	Net Impact £ -

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

1. INTRODUCTION

Scope of the proposals

- 1.1 This Impact Assessment (IA) assesses the costs and benefits of using the power provided by section 77 of the Criminal Justice and Immigration Act 2008 (CJIA) to introduce the possibility of custodial sentences for those convicted of offences under section 55 of the Data Protection Act 1998 (DPA) (i.e. knowingly or recklessly obtaining, disclosing or procuring the disclosure of personal data without the data controller's consent). The CJIA allows the Secretary of State to introduce a custodial sentence of up to twelve months' imprisonment for summary conviction, or two years for conviction on indictment. Currently the maximum penalty is £5,000 for summary conviction and an unlimited fine for conviction on indictment.
- 1.2 The CJIA also introduced a new defence – not yet commenced – for anyone who can show that he acted:
 - for the special purposes (defined by section 3 of the DPA as (a) the purposes of journalism, (b) artistic purposes, and (c) literary purposes);
 - with a view to the publication by any person of any journalistic, literary or artistic material; and
 - in the reasonable belief that in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest.
- 1.3 The Government's intention has always been to bring the additional defence into force at the same time as the custodial penalties, so that legitimate and responsible journalism will not be curtailed.

Organisations in the scope of the legislation

- 1.4 The proposals would have an impact on the prison service if custodial sentences are subsequently passed for those found guilty of offences committed under section 55 of the DPA. There would also be a potential impact on the work of the courts if the availability of a custodial sentence leads to more prosecutions being heard in the Crown Court for such offences. Whilst the Information Commissioner's Office (ICO) will be investigating and bringing prosecutions for section 55 offences, their prosecution strategy will be unaffected if the new penalties are available, in line with the Code for Crown Prosecutors.
- 1.5 All citizens are liable for prosecution under section 55 of the DPA. The offence is for the knowing or reckless obtaining or disclosing of personal data or the information contained in personal data, or procuring the disclosure to another person of the information contained in personal data, *without the data controller's consent*. There are also offences relating to selling or offering to sell information that has been unlawfully obtained. The focus is therefore on individuals rather than organisations or their standards of processing personal data.

2. POLICY RATIONALE FOR PROPOSALS

- 2.1 There is growing public concern about the misuse of personal data. Widely reported cases of identity fraud have highlighted the level of public concern and media exposure that personal information issues generate. For example, a 2008 survey conducted by the ICO showed that the protection of personal data was ranked alongside preventing crime as a concern for respondents. (ICO track survey, December 2008).

- 2.2 In his 2006 reports 'What Price Privacy?' and 'What Price Privacy Now?' the then Information Commissioner referred to the personal distress suffered by victims of section 55 offences, as well as to the significant incomes of those trading in personal data (including one firm receiving £50,000 a month from one finance company in exchange for addresses¹). Recent allegations about the extent of the use of phone-tapping targeting public figures have highlighted the value placed on the protection of personal data and have led to pressure from Parliament to introduce custodial sanctions, initially recommended by the Information Commissioner in 'What Price Privacy?'. This proposal was consulted on by the former Department for Constitutional Affairs, and provided for by section 77 of the CJIA.
- 2.3 Furthermore, in his oral evidence to the Culture, Media and Sport Select Committee inquiry on 'Press Standards, Privacy and Libel' in September 2009, the Information Commissioner called on the Government to introduce the custodial sanction as a matter of urgency. As the independent regulator of the DPA, the Information Commissioner is well placed to advise on necessary changes to it.
- 2.4 Making such an order under the CJIA to amend the DPA will provide public reassurance that the Government will take appropriate action to protect people from crime and uphold the individual's right to have their personal data protected.
- 2.5 It is important that there is consistency across all pieces of legislation which deal with offences of this nature. The current trend to custodial sanctions, exemplified by the Identity Cards Act 2006 and the Commissioner for Revenue and Customs Act 2005, makes it important that the DPA is amended to allow for comparable sanctions.

3. ECONOMIC RATIONALE

- 3.1 The conventional economic approach to Government intervention is based on efficiency or equity arguments. Government intervenes if there is a perceived failure in the way a market operates ("market failures") or if it would like to correct existing institutional distortions ("government failures"). Government also intervenes for equity (fairness) reasons. Individuals who obtain, disclose or procure the disclosure to others of personal data and information without data controllers' consent impose costs on individuals whose information has been disclosed. When they disclose or sell this personal information, they ignore these costs, which include the distress of having personal data released without consent, and the cost and the time spent dealing with the consequences of the data release (for example receiving unsolicited mail and phone calls, suffering further crime resulting from the release). In economic terms, disclosure without consent imposes an externality on the owners of the data. Externalities are one form of market failure.
- 3.2 Existing monetary penalties are not sufficiently accounting for these external costs. The introduction of the possibility of custodial sentences increases the cost of committing the offence (when caught), thus forcing offenders to internalise more of the external costs imposed. This should reduce the volume of offences, bringing the economy closer to a social optimum.

¹ 'What Price Privacy', ICO Special Report, May 2006 p19

4. COST BENEFIT ANALYSIS

- 4.1 This section sets out the potential costs and benefits of introducing a new custodial sanction for those convicted of offences under section 55 of the DPA. The IA process aims to identify as far as possible the impacts of government proposals on society. A critical part of the process is to undertake a cost benefit analysis (CBA) of the proposal. CBA assesses whether the Government's proposals would deliver a positive impact to society, accounting for economic, social and environmental considerations. The IA process therefore should not be confused with a *financial appraisal*, which is focused purely on assessing how much resource Government would save from certain proposals.

OPTIONS ANALYSIS

- 4.2 The IA and HM Treasury Green Book Guidance require that all options are assessed relative to a common 'base case' over the appropriate appraisal period of the relevant 'do-something' options. The base case would see the maintenance of the current penalty for offences under section 55 (i.e. an unlimited fine for conviction on indictment).
- 4.3 Certain drivers are likely to change over time that may amplify the profile of costs and benefits within the base case over time relative to the current year. Understanding the profile of these drivers over time is crucial before formal assessment is made of the incremental impacts of introducing do-something options.

Option 0 - Base Case ("Do Nothing")

Description

- 4.4 Under the 'do nothing' option, those convicted of offences under section 55 of the DPA will continue to be subject to monetary penalties only.

Option 1 – Introduce Proposed Secondary Legislation

Description

- 4.5 This will make custodial sentences available for those convicted of offences under section 55 of the DPA (i.e. knowingly or recklessly obtaining, disclosing or procuring the disclosure of personal data without the data controller's consent and selling or offering to sell information obtained in that way). Currently the maximum penalty is an unlimited fine for conviction on indictment.
- 4.6 Under Option 1, the Government would introduce the possibility of custodial sentences whilst also introducing a new defence for anyone who can show that he acted:
- for the special purposes (defined by section 3 of the DPA as (a) the purposes of journalism, (b) artistic purposes, and (c) literary purposes);
 - with a view to the publication by any person of any journalistic, literary or artistic material; and
 - in the reasonable belief that in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest.

Costs of Option 1

- 4.7 Option 1 would impose potential costs on the criminal justice system and wider society. These are discussed in turn. However, if custodial sentences were successful in creating a deterrent effect, costs on the criminal justice system might be limited or, further, savings might be generated due to there being fewer prosecutions.
- 4.8 The introduction of the new custodial sentence relates to individuals and would not result in additional costs to businesses' compliance systems. It is already an offence to disclose or obtain personal information and there are existing monetary penalties in place to punish any individuals who breach the law. The extension of the penalty remains individual and not corporate liability and therefore it does not apply to business or its managers.

Criminal Justice System

- 4.9 Introduction of the new custodial sentence should act as a deterrent for individuals against the offences in section 55. As there are already monetary penalties in place but offences are still being committed, we can assume that the existing penalties do not provide a strong enough deterrent to prevent some individuals from being involved in criminal activities associated with personal data. Tougher penalties would ideally increase the deterrent and reduce incidence of the type of crime committed.
- 4.10 The extent to which custodial sentences will act as a deterrent for individuals who commit the offences under section 55 is uncertain. However, the ICO has concluded, since publication of 'What Price Privacy?', that the recommendation to introduce custodial sentences itself acted as a deterrent to some extent. This may be reflected in the decrease in prosecutions brought since 2006. Evidence on prosecution numbers over the last four years from the ICO's annual reports suggest that there has been an average of four cases brought per year, and that the trend has been downward.
- 4.11 The number of individuals charged with the offence will depend upon how strong the new custodial sentences will act as a deterrent to the misuse of personal data; and the additional costs to the Criminal Justice System will therefore depend on the strength of the deterrent effect. The figures presented in this IA are based on the central scenario in which there are two cases brought per year.
- 4.12 In addition to the central scenario, high and low cost scenarios have also been considered. In the high cost scenario, the custodial sentence acts as no deterrent and there will be no change in the number of offences per year (assumed to be four). This would lead to additional costs on the Criminal Justice System: in particular the costs are likely to be borne by the legal aid budget and prison service if an increased number of individuals end up in custody. In a low cost scenario, the introduction of custodial sentences would lead to a reduction in offences such that zero cases were brought before the courts, which would result in savings for the criminal justice system.
- 4.13 No case under section 55 of the DPA has been prosecuted in the Crown Court in the past four years, but it is acknowledged that, if a serious case is brought before the courts that may warrant a custodial sentence, there is every possibility that it will be sent to the Crown Court for trial. In the central scenario, one of the two cases per year is sent to the Crown Court. In the high cost scenario, all four cases are sent to the Crown Court.

- 4.14 It should be noted that it may be possible currently to recover profits from an offence committed under section 55 by the prosecutor (ICO) or the Director of Public Prosecutions applying for a confiscation order (or in some cases the Court can of its own motion, if it is appropriate to do so) under the Proceeds of Crime Act 2002. This can only be done where the defendant is before the Crown Court. This may be the case under section 55 since the offence is "either way" and can be tried either in the Magistrates' Court or Crown Court. However to make such an order there are hurdles to overcome, the most important of which is to show that the defendant has a criminal lifestyle. Alternatively, it may also be possible to recover profits under Part 5 of the Act by applying for a civil recovery order for property obtained through unlawful conduct.

Legal Aid

- 4.15 The possibility of a custodial sentence will increase the likelihood of a defendant receiving criminal legal aid. It is accepted that those cases serious enough to be prosecuted in the Crown Court will be eligible automatically for legal aid. However, data protection offences are, in many cases, 'white collar' crimes, which may limit the eligibility of defendants for legal aid. For modelling purposes, we have conservatively assumed full eligibility in both the central and high cost scenarios. The potential number of section 55 DPA cases should have a minimal effect on legal aid costs in Scotland.

Expenditure on prisons and offender management

- 4.16 In considering the impact on expenditure on prisons and offender management the Government considers that only a small minority of offences will be sufficiently serious to warrant custodial sentences, suspended custodial sentences or community orders. The Government is clear that prison should be reserved for serious, violent and dangerous offenders. It is expected that the majority of successful DPA criminal prosecutions will continue to be disposed of with non-custodial sentences, as is currently the case.
- 4.17 Recognising the expectation that custodial sentences will only be used relatively rarely and for the most serious DPA offences, the central scenario assumes that one defendant per year (from the projected two prosecutions) will receive a custodial penalty. The resulting costs will depend on the length of the sentence imposed, but in the central scenario, the assumption is a sentence of one year in length. In the low cost scenario, no-one receives a prison sentence, and in the high cost scenario, four defendants receive prison sentences of two years each.

Total annual costs

- 4.18 Based on the assumptions outlined above, the annual cost in the central scenario is estimated to be around £20,000. In the high cost scenario, this annual cost would be around £170,000, although this scenario is considered unlikely and has been developed to provide indicative costs only. In the low cost scenario, annual savings of around £10,000 could be achieved, although again these costs are presented as indicative only.

Benefits of Option 1

- 4.19 Option 1 may lead to social benefits which would largely depend on the strength of the deterrent effect. The potential benefits include the following:
- Increasing public safety: as the ICO highlighted in 'What Price Privacy?', obtaining personal data illegally can result in potentially vulnerable people being located by (for example) ex-partners². If the possibility of a custodial sentence acted as a deterrent, this could be avoided.

² What Price Privacy', ICO Special Report, May 2006 p20

- Distress: the trade in personal data can interfere with the protection of an individual's personal data, which may result in distress, aggravation and grief, aside from the physical dangers set out above.
- Business interests: increased confidence that strong penalties exist for the knowing or reckless misuse of personal data may encourage people to provide their details to companies, increasing the take up of goods and services. Lapses in security can cost organisations in terms of loss of trust and business, as well as compensation pay outs. The ICO has recently commissioned research on the value of personal data to organisations³, which could provide additional information in this area.

Net Impact of Option 1

4.20 The estimated net impact of Option 1 is equal to the estimated costs presented above, resulting from the fact that while the policy is expected to provide benefits, these benefits have not been quantified. The central estimate is that Option 1 will cost around £20,000 per year, largely driven by prison costs. Prison costs will only be incurred in cases where a custodial sentence is passed.

5. ENFORCEMENT AND IMPLEMENTATION

5.1 There will be no difference to the current prosecution process, which is usually instigated by the ICO, with cases heard before the Magistrates' Courts and the Crown Courts. However, under Option 1, the magistrate or judge (as the case may be) will have the option of passing a custodial sentence if a defendant is found guilty. If such a sentence is passed, the Prison Service will be responsible for carrying out the sentence.

6. IMPACT TESTS

- 6.1 An Partial Equality Impact Assessment has been prepared and is set out at **Annex A**.
- 6.2 In line with the Impact Assessment Guidance, we have undertaken a preliminary competition assessment drawing on the four key questions set out in the Office of Fair Trading's Competition Assessment guidance (2007). The conclusion is that at this stage we have identified no impacts on competition that warrants a full competition assessment.
- 6.3 Assessment of the potential impact of additional capacity on small firms has relied on the Department for Business, Innovation and Skills' Small Firms Impact Assessment Guidance (September 2007). Based on the latest advice we do not think the legislation outlined in this document would have a direct impact on small firms. As part of the consultation we will engage with relevant stakeholders to ensure that any potential impacts on small businesses are understood.
- 6.4 The proposals set out in the IA are consistent with the Human Rights Act 1998. There are no anticipated environmental impacts associated with Option 1, nor are any significant rural or health issues anticipated.

³ "ICO appoints consultants to put a value on privacy protection" Press Release 7 August 2009

6.5 The DPA transposes EU Directive 95/46/EC. This proposal goes beyond the minimum EU requirements set out in Article 24 of the Directive to “lay down the sanctions to be imposed in case of infringement of the provisions adopted pursuant to this Directive”. As the Government has previously provided for a financial sanction, the potential for custodial sentences can be seen as going beyond minimum EU requirements. However, this fact is mitigated by the fact that the new penalty is in line with Macrory regulatory sanction principles. The Government believes that going beyond the minimum requirements is justified in this case as the level of sanction is appropriate to the offence, will change the behaviour of potential offenders and deter people from committing such offences. Furthermore, the negative impact on business is negligible, and, as discussed, there may indeed be benefits for business with the diminished possibilities of personal data being obtained, disclosed, or procured in order to be disclosed illegally.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	Yes	No

Annexes

PARTIAL EQUALITY IMPACT ASSESSMENT

Equality Impact Assessment Initial Screening – Relevance to Equality Duties

The EIA should be used to identify likely impacts on:

- Disability
- Gender (including gender identity)
- Race
- Age
- Caring responsibilities (usually only for HR policies and change management processes such as back offices)
- Religion and belief
- Sexual orientation

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed

Introducing custodial sanctions for offences committed under section 55 of the Data Protection Act 1998.

2. Individual officer(s) & Unit responsible for completing the Equality Impact Assessment:

Ollie Simpson, Information Policy Division, Ministry of Justice

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives

To provide public reassurance that the Government will take the appropriate action to protect people from crime and uphold the individual's right to an appropriate degree of protection for their personal data.

To deter more effectively the knowing or reckless misuse of personal data, including the illegal trade in personal information.

Outcomes

To help increase the willingness of members of the public to share personal data in the interests of legitimate activity, including efficient government.

Greater safeguards for people's personal data and personal safety.

4. What existing sources of information will you use to help you identify the likely equality on different groups of people?

(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings submissions or business reports, comparative policies from external sources and other Government Departments)

Details of convictions for section 55 offences for the previous four years.
Responses to a previous consultation on the proposals.
The Information Commissioner's 2006 reports 'What Price Privacy?' and 'What Price Privacy Now?'

5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people. If so what are the gaps in the information and how and when do you plan to collect additional information?

Note this information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. EIAs often pause at this stage while additional information is obtained.

We have no statistical analysis of the ethnicity, disabilities or gender of the victims of the illegal trade in personal data. There does not appear to be any available evidence to suggest that any single group is targeted.

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of who benefits from the positive impacts and the evidence and analysis used to identify them.

The potential positive impact will be greater security for the personal data of citizens as a whole, but not specifically for one group.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

No. There is no evidence to suggest that any single group will be adversely affected by the proposal.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.

These proposals will affect anyone who participates in the illegal trade in personal data. Under the proposals, if they are convicted of a section 55 offence they may be liable to a custodial sentence, as well as the fines currently available. A previous public consultation on the proposal identified those who would be most affected.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

The previous responses to a consultation on this issue did not mention the impact of the proposal on any of the groups under consideration. There is equally no suggestion that prosecutions made under section 55 of the Data Protection Act 1998 fall along lines of race, gender, disability, age, caring responsibilities, religion or belief, or sexual orientation.

10. Is a full Equality Impact Assessment Required?

No

(If no, please explain why not)

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

There is no evidence that the proposals will have an adverse impact on equality or the rights of one group.

11. If a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

This general policy would be reviewed in 5 – 10 years. An evaluation strategy would be prepared to help collect data for monitoring purposes.

12. Name of Senior Manager and date approved

Name (must be grade 5 or above): Belinda Lewis

Department: Information Policy Division, Information Directorate, Ministry of Justice

Date: 13 October 2009