

Ms Christine Darrah  
Clerk to the Committee for Justice  
Room 242  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

22 September 2015

Dear Ms Darrah

### **Justice No.2 Bill**

The Information Commissioner's Office (the ICO) is pleased to provide some comments on the Northern Ireland Justice No. 2 Bill (the Bill). As the UK independent regulator of the Data Protection Act 1998 (the DPA) our evidence provided below will focus on these aspects of the Bill.

With respect to the information sharing provisions in the fine collection process we note the requirement of offenders to provide earnings and income information to Collection Officers. It is detailed in the Bill that in the event an offender does not provide this information then he/she will be committing an offence which can result in further prosecution. The proposal to allow data sharing arrangements for Collections Officers to verify an individual's employment, earnings or benefit information does highlight some data protection concerns. Although the Bill suggests that this access will only be permitted in the event of non-co-operation with an offender, it is also suggested this will be permitted in certain circumstances in the absence of an offender. The DPA requires that personal data be processed fairly and lawfully, and although the Bill may provide a legal provision to facilitate this, the Department should review any appropriate fair processing notices to reflect this provision.

The data sharing proposed is significant and is likely to also include sensitive personal data, (eg criminal convictions or health data) as defined within the DPA. Any disclosures must be considered on a case by case basis and also be proportionate. We would remind the Department that information which is disclosed which is excessive, not relevant or adequate for the purposes of the disclosure may be deemed not to be compliant with the DPA. We strongly advise that a privacy impact assessment is conducted with respect to this provision to assist with the identification of any potential intrusion on privacy. In addition the Department will need to be content that this activity will also take account of the Human Rights Act. We would welcome future involvement with this provision particularly at the outset of any further consideration by Ministers as highlighted in the Bill.

We welcome that the Bill will create in law the office of the Prison Ombudsman for Northern Ireland. This will ensure that the functions currently carried out by the Prisoner Ombudsman on a non-statutory basis will now be enshrined in statute. We would welcome an opportunity to work with the Ombudsman and assist him with any queries he may have. We note the provisions relating to the Prison Ombudsman powers of entry and access to documents relating to any prescribed investigations. We would welcome further clarity on the arrangements for information sharing and disclosure in these circumstances, particularly relating to access to any Juvenile Justice Centre. In addition, we welcome the clear limitations of disclosures as defined within the Bill in this context.

In conclusion, we look forward to working with the Department and the respective organisations on further development and implementation of this legislation in the coming months.

Yours sincerely



**Dr Ken Macdonald**  
**Assistant Commissioner for Scotland & Northern Ireland**