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**Data Protection (Consultation Response)****Ms Harriet Harman**

My right hon. and noble Friend the Secretary of State for Constitutional Affairs and Lord Chancellor made the following ministerial statement in the other place on Wednesday 7 February 2007.

"I have today published the Government response to the consultation paper "Increasing penalties for deliberate and wilful misuse of personal data" (C/P 9/06) which was published on 24 July 2006. Copies have been placed in the Libraries of both Houses. It will also be made available on the Department for Constitutional Affairs' website.

The response sets out how we will reform section 60 of the Data Protection Act 1998 to ensure that there is robust protection for personal data, and to strengthen individuals' rights to privacy.

The consultation paper sought views on whether the proposed custodial penalties— a maximum sentence of six months imprisonment on summary conviction and two years on indictment—would act as an effective deterrent to those who deliberately or recklessly misuse personal information. The Information Commissioner's report "What Price Privacy?". The unlawful trade in confidential personal information highlighted the extent of the illegal trade in personal information and recommended custodial sentences for offences relating to the misuse of personal data. The Government believe that the existing financial penalties are not sufficiently protecting people's personal data.

The consultation period closed on 30 October 2006. The majority of responses welcomed the introduction of custodial penalties to provide a larger deterrence to potential offenders, to provide public reassurance that offenders would receive the appropriate sentence and to achieve parity with a number of disparate pieces of legislation which, deal with similar types of offences.

Our reforms to the Data Protection Act fit squarely within the Government's wider strategy on data sharing. As the Government move to an era of greater data sharing—to deliver better, more customer-focused services and to protect the security of both individuals and society as a whole—it is essential for people to be confident that their personal data will not be wilfully or recklessly abused.

Greater data sharing and proper respect for individual privacy is compatible. One of the essential ways of maintaining that compatibility is to ensure the security and integrity of personal data once it has been shared.

In summary, following careful consideration of the responses received, we are proceeding with the proposals to introduce custodial penalties to section 60 of the Data Protection Act. The Government are clear that custodial penalties will be reserved for the most serious breaches of the Act. We will seek to introduce an amendment to the Act as soon as parliamentary time allows."

*HC Deb 08 February 2007 c42WS*

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