

**PE1481/B**

Mr Stuart Todd  
Assistant Clerk to the Public Petitions Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

02 August 2013

Dear Mr Todd

**Public Petition PE1481**

Thank you for your letter of 20 June in which you invite comment from the Information Commissioner's Office (ICO) on the above petition.

In your letter, you ask what the ICO's view is on the petitioner's call for the Scottish Government to conduct an independent public inquiry into the effects and extent of blacklisting in Scotland and on the issues raised in the petition and during the discussion of the petition at the meeting of the Committee on 11 June.

Essentially, it is not for the ICO to take a view on whether the Scottish Government should accede to the call for a public inquiry in Scotland. This is a matter for the Scottish Government which is much better placed than the ICO to weigh up all the many considerations involved. I can however confirm that should an inquiry be called the ICO would be pleased to give evidence in relation to the requirements of the Data Protection Act 1998 as they apply to blacklisting and our investigations and enforcement action arising from possible breaches of that Act.

Notwithstanding the above, in deciding whether to conduct a public inquiry in Scotland the ICO hopes that serious consideration will be given as to how far this might add value to the work currently being undertaken elsewhere. Given the time and resource implications for those providing evidence as well as for those running any public inquiry the ICO is keen to avoid duplication of effort. The Scottish Affairs Committee of the Westminster Parliament is conducting a very thorough inquiry of its own and has already published an interim report. We have cooperated fully with this inquiry and have told this Committee everything that the ICO knows about the matter. It is hard to see what we could tell a public

inquiry set up by the Scottish Government on the subject of blacklisting that we have not already told the Scottish Affairs Committee and that is not, therefore, already in the public domain.

In summary giving evidence to a public inquiry is time consuming and costly for the ICO, and presumably for other participants. In our view it is important that if a public inquiry is to be set up the Scottish Government should be satisfied that there is a real and convincing prospect that the inquiry will add significantly to public knowledge and understanding of blacklisting.

I trust you find this submission helpful.

Yours sincerely

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