

16th August 2024

BY EMAIL

Our Ref: FOI 2266

Dear [REDACTED],

Your request for information was received on 29th July 2024 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested in relation to 'the 'Notification of Data Breach' e-mail dated 11th July 2024':

1. Please provide the identity of the erroneous unintended recipient(s) of our highly confidential personal data.

This information is exempt under section 40(2) of the Freedom of Information Act 2000 as it is personal information relating to a third party.

2. Please provide full details of the address of the unintended recipient(s) to whom our highly confidential personal data were 'delivered by the Royal Mail' 'as a result of BSO Legal Services entering the wrong street name and postcode onto the envelope/letter'.

This information is exempt under section 40(2) of the Freedom of Information Act 2000 as it is personal information relating to a third party.

3. Please provide the identity of the BSO/DLS Solicitor who conversed with the unintended recipient(s) of our highly confidential personal data.

The recipient telephoned [REDACTED] on 11th July 2024.



4. Please confirm if anyone (and, if so, their identity) from BSO/DLS was in attendance to officially witness first-hand the alleged destruction ('shredded') of 'the documents in question'.

The recipient verbally confirmed to [REDACTED] that they had shredded this correspondence. We confirm that no one from BSO/DLS was in attendance when the recipient shredded correspondence.

5. Was the letter sent to the Newry Court Office by 1st Class Royal Mail Recorded Delivery (signed for)? ... if not, why not, as this would have prevented our highly confidential personal data ever being delivered to its unintended recipient(s)?

The letter was sent by first class ordinary post, as is normal practice.

6. Please provide the identity of the BSO/DLS employee(s) responsible for the breach/'human error'?

[REDACTED] is the solicitor with carriage of this case and is responsible for the human error.

7. Since, in all probability, there is an electronic/digital version of 'the documents in question' on file, please provide full digital or hard copy proof of same evidencing this harmful BSO/DLS 'human error'.

A copy is enclosed redacted to remove personal information (address) relating to a third party which is exempt information under Section 40(2) of the Freedom of Information Act.

8. Since you/the BSO/DLS are required to notify the ICO about any Data Breach within 72 hours of any incident, please provide copy evidence of said notification, and issue me with your/the BSO's notification to the ICO, and a copy of any acknowledgement from the ICO (along with any requisite data breach notification reference number(s) received from the ICO) in order that we can (as advised) raise such a formal complaint to the ICO ourselves ...

A copy is enclosed redacted to remove personal information (mobile telephone number) relating to a third party which is exempt information under Section 40(2) of the Freedom of Information Act.

9. Which organisation was/is at very serious fault here? Is it BSO? ... is it DLS? ... or was/is it both?

This error occurred within DLS which is part of the BSO.

10. Re: the Civil Bill served on us by DLS Chief Legal Adviser, [REDACTED], [REDACTED], dated 1 July 2024 and, subsequently, on what appears to be a modified 8 July 2024 (which eventually arrived at this address on 10 July 2024) - was the date changed from a '6' to an '8' on the reverse side of the Civil Bill signed by [REDACTED]? ... if so, why so?

I should advise that since this question relates directly to the legal proceedings, this will be addressed by the solicitor dealing with the case.

11. Given that [REDACTED] and [REDACTED] are both employed by the same organisation (DLS), why was there a 7-day gap between the date of the Civil Bill served on us by [REDACTED], dated 1 July 2024 and [REDACTED] 'out-of-the-blue' threatening letter/enclosure dated 8 July 2024, the first contact from her of any nature since 30 January 2024?

For the avoidance of doubt, [REDACTED] and [REDACTED] are employed by BSO. DLS is part of BSO.

Since this question relates directly to the legal proceedings, this will be addressed by the solicitor dealing with the case.

12. In light of our extremely serious data breach, please confirm that the documentation we received on 10 July 2024 is the correct documentation.

Confirmed. The documentation received by you on 10th July 2024 is the correct documentation.

13. Please provide a full timeline of events in respect of this incident from origination/discovery to conclusion/admission.

- Letter dated 8th July 2024 sent to the Chief Clerk, Newry Courthouse (address incorrect) via 1st Class post.
- Telephone call from recipient on 11th July 2024.
- Breach reported to [REDACTED] on 11th July 2024
- Breach reported to ICO on 11th July 2024

14. In the BSO's capacity as a large, Non-Departmental government publicly-funded Body/Institution charged with carrying out tasks in the valid and legitimate public interest (which was not acting in the public interest in our case), as a member of that 'public', please confirm if we are now obliged to report your/BSO/DLS data breach to the Northern Ireland Public Services Ombudsman (NIPSO).

We cannot provide you with any advice in this regard and it is a matter for you to seek your own independent advice.

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter, as the BSO, along with all other public authorities are not obliged to accept internal review requests after this period has lapsed.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,
2 Franklin Street,
Belfast,
BT2 8DQ

If, following an internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However, the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,



Karen Bailey
Chief Executive