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Press Publishing Spent Convictions

About Me

My name is Steve and I'm 65, an ex-IT guy and retired computer programmer. In 2003 I was prosecuted by the Information Commission after doing something fairly stupid.

About This Document

This document lists my (sometime substantial and ongoing) efforts to get a document deleted from the Internet. I'm hoping it will be helpful to others. I'm pretty grumpy about it even now, so you may find some comments highly cutting, but hopefully you can see past that and form your own opinions. Despite a strong desire, I'm not going to use any swearwords as they may offend and distract from what I'm trying to get across. Also tempting is to "name and shame" some of the cretins, sorry people I've dealt with, but I won't. If you really want to know who they are, I'm sure a bit of Internet research will help.

Legal Disclaimer

I have no legal qualifications at all, so everything you read here is just my opinion. However, I've spent a silly amount of time reading, so you may find info you'd like to research yourself, or ask someone who IS qualified.

Spent or Not?

Is your conviction spent? There's plenty of info on the internet, but the formula is:

Conviction Date + length of sentence

So for me.....

Date = OCT 2003, + 2 Year conditional discharge = Oct 2005

Getting in Touch

I'm not going to publish my personal details here, and have a full life, but if you want to ask any questions, please get in touch with Unlock and ask for my contact email. I guess they will ask my permission, which I'm sure I will give.

Background

Following my prosecution, I found a document produced by the ICO called What Price Privacy? The document concerned itself with the Journalist Phone Hacking Scandal. For some obscure reason, they included an annex of Recent Prosecutions and guess what? There's me! I complained to the ICO and to their credit, they seemed to take it seriously and said they would redact the document which they did quickly. Just to be clear, I've never been a journalist, have never hacked anyone's phone and have never worked for a media organisation.

All Sorted?

So... It's been redacted – all names blacked out, but the cat was out the bag. Anyone with a hint of an interest in privacy or the hacking scandal had a copy of the unredacted PDF.

One of those was BBC News who provided quite the challenge.

Getting it deleted/redacted from websites

Over the last year or so, I've searched the Internet for the document and contacted the site owner to ask if they will consider deleting/redacting the document. After dealing with quite a few, I've generally found people helpful and supportive. I have a copy of the ICO redacted document and supplied that as an option. Most site owners simply deleted the document promptly, some edited the PDF and deleted the annex with the people's names in it.

The General Process

So good so far..... I found the document on a few solicitors web sites who acted very promptly. It was even on a Canadian singer's web site, which I thought would be a challenge, but after a few communication issues, she agreed to delete it.

Not so BBC News.....

The BBC reported on the hacking scandal and published the document, so there is my conviction data for all to read, for anyone with an Internet connection in literally the entire world! The article was published in 2011 at which point my conviction had been spent for 6 years, so someone didn't do due diligence. When I see the BBC blowing their own trumpet about BBC Verify, I nearly wet myself, which is quite impressive for my age ☹ ☹

The BBC process

First up I made a complaint using the details on the BBC web site. After a couple of weeks with no reply, I contacted them to chase them up. No reply. Somewhere, I managed to find the email address of the BBC Data Protection Officer. Surely she would take me seriously? Not a bit. What followed was a number of months of the BBC not replying, continually extending timescales and generally diddling around to put me off. I think their main approach was to ignore me until I went away, but I've never 'gone away' from anything important, even when ignored. I won't list the entire saga here, just to say they took the pee to the nth degree and broke the law in doing so.

The reason I say this is that normally for a Right to be Forgotten request, a Data Controller (them) must respond to the Subject (you) with a decision in 1 month. This they did not do. If a controller deems the request complex, they have an absolute maximum of 3 months to supply a decision. They didn't do this either, making them in breach of the Data Protection Act.

Note to BBC: If you're reading this, I still have all the emails, all backed up and safe ☹ ☹

After a helluva lot of time and effort, I did two things, one of which must have hit the spot. Around the same time, I threatened to sue them for Defamation with Malice and also involved my MP who wrote to them. They replied (which they had not done for some time) and agreed to delete the document which they did.

The Data Protection Officer accompanied it with a letter which was dumb beyond limits. She said that it had taken extra time to respond as I'd made a mistake in supplying a BBC complaint reference number. This was true, a silly mistake on my part which took around a day to clarify. All documented in emails, so would be trashed in court. Further, she documented the timeline of our correspondence, which showed they had not responded in the maximum time afforded to them by the act. Dumb or what?

Further to this, once agreement to delete has been achieved, the Data Controller is obliged to inform you how they will deal with backups. The risk here is that they restore from a backup and the document re-appears. This they did not do, so a second breach of the act. I pointed this out and they never replied.

So now, from time to time I check the original link to the document on the BBC news web site. To date it still gives a 404 error (file not found) all good so far. And here it is:



Think I'll pop out and get a beer ☐ ☐ ☐ ☐ ☐

Me and the BBC?

As mentioned above, I'm still pretty grumpy about how they took the mickey out of me. It was all pretty stressful. Now even their channels make me baulk. Parliament are considering scrapping the license fee and having a subscription model like Netflix. Great, then I can drop them like a stone. If you're grumpy about paying for the BBC while watching ITV, this is a good site:

<https://www.defundbbc.uk/>

The BBC, the ICO and a joke

Ok, so here goes.....

Q. What's the similarity between the BBC and the ICO?

A. about 1

Why? 'cos that's their approximate score on TrustPilot:

<https://uk.trustpilot.com/review/www.bbc.co.uk>

<https://uk.trustpilot.com/review/ico.org.uk>

Practical Advice

Right to Be Forgotten

If you find your conviction data published, probably on the internet, you should email the site owner with a subject line of "Application for Right to be Forgotten". Be careful not to sound angry or be abusive. It will distract from what you want to happen and they may be justified in blocking you.

From that date, they have one month to reply with a decision. Unless, of course they deem it a 'complex enquiry' They may well do this to give them more time (3 months max), or to put you off, but be patient.

They may ask you for your ID. You need to supply this. I sent a scan of my driving license. There's help on the ICO site here:

<https://ico.org.uk/for-the-public/your-right-to-get-your-data-deleted/>

What to Say?

You should mention the document and provide a link to it so they can check it out for themselves. Then point out that:

- 1) The conviction is spent and to publish it is an offence under the Data Protection Act.
- 2) As it is spent, according to the Rehabilitation of Offenders Act, it becomes and untruth, so the data is inaccurate
- 3) The Data Protection Act considers criminal offence data as Highly Sensitive and requires special handling.
- 4) Your permission was never asked to publish it and you don't give it now.

The link which explains it further is here:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/lawful-basis/a-guide-to-lawful-basis/lawful-basis-for-processing/criminal-offence-data/>

Then set your calendar. Wait for almost a month and remind them they have only a month to make a decision. If they reply that it's complex enquiry, you have to wait another 2 months. Set that calendar again. Once 3 months have passed, they are in breach of the Data Protection Act. You can let them know you are going to complain to the ICO and see if that wakes them up.

If they decide not to delete, you have to decide what to do next. It might be you can find a solicitor with experience in the Data Protection Act who will write you a letter. It might be a single legal letter will focus their minds. A lot of solicitors will give you a free hour to explain the problem and see if they can help. So, onto.....

Being forgotten on Google

Google offer a service where they can remove links at your request. I applied for this in the case of the BBC. I had little hope that 'some oik from Kent' would be listened to by a large multinational corporation, but they did and responded fairly quickly. They didn't actually remove the link in their database, but stopped any searches working for that site and my name. I was happy with this solution.

The link to apply is <https://reportcontent.google.com/forms/rtbf>

Finding Old Web Pages

Sometimes it's helpful to find old web pages from a site to give some context for example, when a page was changed. Enter.... The Wayback Machine. It trawls the entire Internet and copies entire web sites and archives them. So if you've found a web page, you can view snapshots of it over time.

You just enter the link to the page here:

<https://wayback-api.archive.org/>

Saving a copy of a web site

You may need to save your own copy of an entire web site as it stands. There's some handy free software called HTTrack here:

<https://www.httrack.com/>

I used this to download the entire BBC News web site and searched it for particular links. A bit techie, but handy if you're of messing around with files.

Procedures Manuals

Most large companies have Procedures Manuals. These list what employees can and can't do and how to do them. They will likely have a section on Data Protection. If you get hold of a copy of the manual, you can point out if they've made any errors. For example, I had some tortuous dealings with the CSA (defunct Child support Agency). They got it wrong so many times it beggared belief. I asked what they worked from and it was The Decision Makers Guide. I managed to find it on their web site after some searching. Then I could tell them what they got wrong and the section of the DMG that refers to it and they couldn't argue.

While trying to sort out the 'BBC fun' I came across the BBC's Data Protection Handbook. It became clear they had breached their own internal procedures in many ways. I never got as far as quoting it, but I'm sure it would have helped in any litigation, but in any case, a packet of biscuits sorted it.

Of course, getting a company's internal procedures manual is a challenge. Is it tucked away on their web site for employees somewhere?

Carter Ruck – Pro Bono or no?

On my travels finding out info, I found the page on the Unlock site here:

<https://unlock.org.uk/online-spent-legal/>

When I read the content of this page, I thought all my xmas'es had come at once! Apparently Carter Ruck will take on your case on a pro bono basis (no win, no fee) and recover costs from the other

party. Without delay, I filled in the form from the page and sent it to Unlock as requested.

Next I googled Carter Ruck and they really are a top-notch Defamation solicitors. Whoopeee!

After a couple of weeks with no reply, I contacted Unlock to see if my form had been passed on. A while later, I emailed Carter Ruck with a copy of the form asking if they had received it. No reply.

Finally, I phoned them, spoke to a lady who promised me a call back the same day and after a few days with no phone call, sent them a fairly shaming email, to which they did reply.

I sent them the email thread from the BBC's Data Protection Officer and they read it and commented. They said my action was a little early as I must give them 3 months to reply and I shouldn't run up costs at this stage. What? I thought this was pro bono as advertised on Unlock!

I queried this and got no reply, waited a while and queried again. No reply. Another shaming email later and got a reply. It said they were unable to take my case on on a pro bono basis, but they could help if I agreed to them collating information and writing a letter for £4,500. LOL.

OK, so they didn't want to work with me, but didn't say, ignoring me for a while then quoting a silly price they knew I couldn't afford. You know, like the handyman that comes round and doesn't want the job.

I pointed out to them that if they weren't taking on the pro bono work any more, they should let Unlock know so people don't have their hopes raised then dashed. Thinking back, I should have discharged them. There's some kind of irony when you are discharged while working for free for someone.

For me personally, at the time I did the lottery and thought if I won, I could pay my way, but after such a poor way of communicating and handling of my case, I'd probably seek out a different solicitor. It might be I've got the wrong end of the stick, but I put all these points to them but they never replied.

So, in my view, pro-bono, it ain't. Interested, they ain't. I did put it to them that suing the BBC for a privacy breach would be quite the feather in their cap, but no reply, so I gave up. Anyway, a legal threat, my MP and incompetence beyond belief by the BBC sorted it. Only cost me a packet of chocolate Hobnobs as a thank you for my MP.

What's next?

After a long hard battle with the cretins, sorry, the BBC, lasting some years, I'm pretty tired out. But there's tons more to do. This document has multiplied like rabbits. Rather than run myself into the ground, I'm taking on one site at a time at a slow pace. If I can get rid of it before it multiplies, I might have a chance.

All this from the Information Commission breaching the act it's their only job to police and enforce.

If you've got this far, well done! Sorry it's so long!

Keep Smilin and Best of Luck!

Cheers

Steve