

Iman Elmehdawy

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**From:** David J. Evans  
**Sent:** 15 April 2011 16:11  
**To:** Jonathan Bamford  
**Subject:** FW: Internet Eyes  
**Importance:** High  
**Attachments:** Internet Eyes draft Undertaking.doc; U-I letter to IEL.doc

Dave Evans                      Group Manager – Business and Industry

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**From:** Diane Slater  
**Sent:** 15 April 2011 16:04  
**To:** Joanne Stones; Sally Anne Poole; David J. Evans; Anne Russell  
**Cc:** Daniela Guadagno  
**Subject:** Internet Eyes

From Daniela and Diane:

Following on from previous discussions, we were informed that David Smith felt an undertaking from IEL would be useful now. We have therefore drafted one, with an accompanying letter, and these are attached to this email for your information.

Please let either of us have comments on the wording or content as soon as possible, as we would like to get the undertaking out before the Easter break. (Obviously, the date for return of undertaking in the letter is a flexible one – we will adjust that to give them a couple of weeks from whenever it is sent out...)

Deadline for comments please is close of play on Tuesday 19 April, unless this is a major problem for anyone?

Thanks  
Diane and Daniela

Diane Slater                      Lead Case Officer (Enforcement)

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07/07/2011

Comments discussed with DJE – one agreed; others left.

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**From:** David J. Evans  
**Sent:** 19 April 2011 14:27  
**To:** Diane Slater; Joanne Stones; Sally Anne Poole; Anne Russell  
**Cc:** Daniela Guadagno  
**Subject:** RE: Internet Eyes

Thanks for this. I have made a couple of comments and some suggested changes for consideration, in particular to the order of the undertakings.

I wonder whether we might use the letter to reinforce the fact that this is one final opportunity to get this right. It does that to an extent but my view would be that we could make more of it. One request for assessment is, quite rightly, not usually the basis for enforcement action but what we are saying here is that we have previously advised IEL of the real risk of non-compliance that is inherent in the business model and they did not take that advice presumably because they underestimated the risk; the complaint we received is demonstration that we were right and these undertakings are their final opportunity to ensure future compliance.

Without a bit more weight behind our arguments here, it might look to the untutored or mischievous eye that we are simply going to give them chance after chance. Worse, it might let IEL underestimate where they are up to.

Thanks  
Dave

Dave Evans      Group Manager – Business and Industry

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From Daniela and Diane:

Following on from previous discussions, we were informed that David Smith felt an undertaking from IEL would be useful now. We have therefore drafted one, with an accompanying letter, and these are attached to this email for your information.

22/06/2011

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Thanks

Diane and Daniela

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Discussed with SAP, esp reasons for vagueness re cameras and use of term 'enforcement notice' – she accepted these.

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**From:** Sally Anne Poole  
**Sent:** 20 April 2011 14:53  
**To:** Diane Slater; Daniela Guadagno  
**Subject:** FW: Internet Eyes (revised)  
**Importance:** High

Ladies

I'm fine with this, just one minor comment added to the UT and a couple of suggested changes to the letter.

Sally

Sally-Anne Poole  
Enforcement Group Manager

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.  
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---

**From:** Diane Slater  
**Sent:** 19 April 2011 15:48  
**To:** Sally Anne Poole; David J. Evans  
**Cc:** Daniela Guadagno  
**Subject:** Internet Eyes (revised)  
**Importance:** High

Hi,

Sorry to bother you both again, but we've made some revisions to the accompanying letter and a brief one to the undertaking in light of Dave's earlier comments.

Could you both please look over this revised version and let us know if there is anything further that you would require changed. As before, we'd like to get this out this week, so comments as soon as possible would be most welcome.

Thanks very much.  
Diane and Daniela

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Daniela Guadagno     Lead Case Officer (Enforcement)

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22/06/2011

Decision OK from management. DG and DS to take forward.

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**From:** David J. Evans  
**Sent:** 03 May 2011 16:39  
**To:** Sally Anne Poole; Diane Slater  
**Cc:** Joanne Stones; Anne Russell; Daniela Guadagno  
**Subject:** RE: Internet Eyes decision

Me too.

Dave Evans      Group Manager – Business and Industry

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**From:** Sally Anne Poole  
**Sent:** 03 May 2011 13:57  
**To:** Diane Slater; David J. Evans  
**Cc:** Joanne Stones; Anne Russell; Daniela Guadagno  
**Subject:** RE: Internet Eyes decision

If the changes aren't significant I am happy for you to press ahead.

Sally

Sally-Anne Poole  
Enforcement Group Manager

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**From:** Diane Slater  
**Sent:** 03 May 2011 11:49  
**To:** Sally Anne Poole; David J. Evans  
**Cc:** Joanne Stones; Anne Russell; Daniela Guadagno  
**Subject:** Internet Eyes decision

Hi,

Just to let you know we've had a response [REDACTED]  
today re the Undertaking we issued before Easter.

[REDACTED]

Daniela and I are willing to meet up with the group again to run through our response – this should be asap, as we asked them to sign by 13 May (ie next

[REDACTED]

22/06/2011

Friday), so we'll want to send any amended version to them in time.

Shall I set up a quick meeting later this week, or are you all happy for us to proceed without any further ado?

Thanks  
Diane and Daniela

Diane Slater     Lead Case Officer (Enforcement)

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Comms alert

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**From:** Daniela Guadagno  
**Sent:** 17 May 2011 08:39  
**To:** Robert Parker; Helena Szehidewicz  
**Cc:** Diane Slater  
**Subject:** Internet Eyes UT

Morning Rob, Helena

I recently sent you an UT for Internet Eyes. The wording has now been revised slightly and the attached document has been sent to them today, which we are expecting them to agree to. We are hoping for them to return a signed copy by the end of this week or early next week although I will keep you updated.

Thanks  
Daniela

Daniela Guadagno     Lead Case Officer (Enforcement)

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DJE OK to u/t wording

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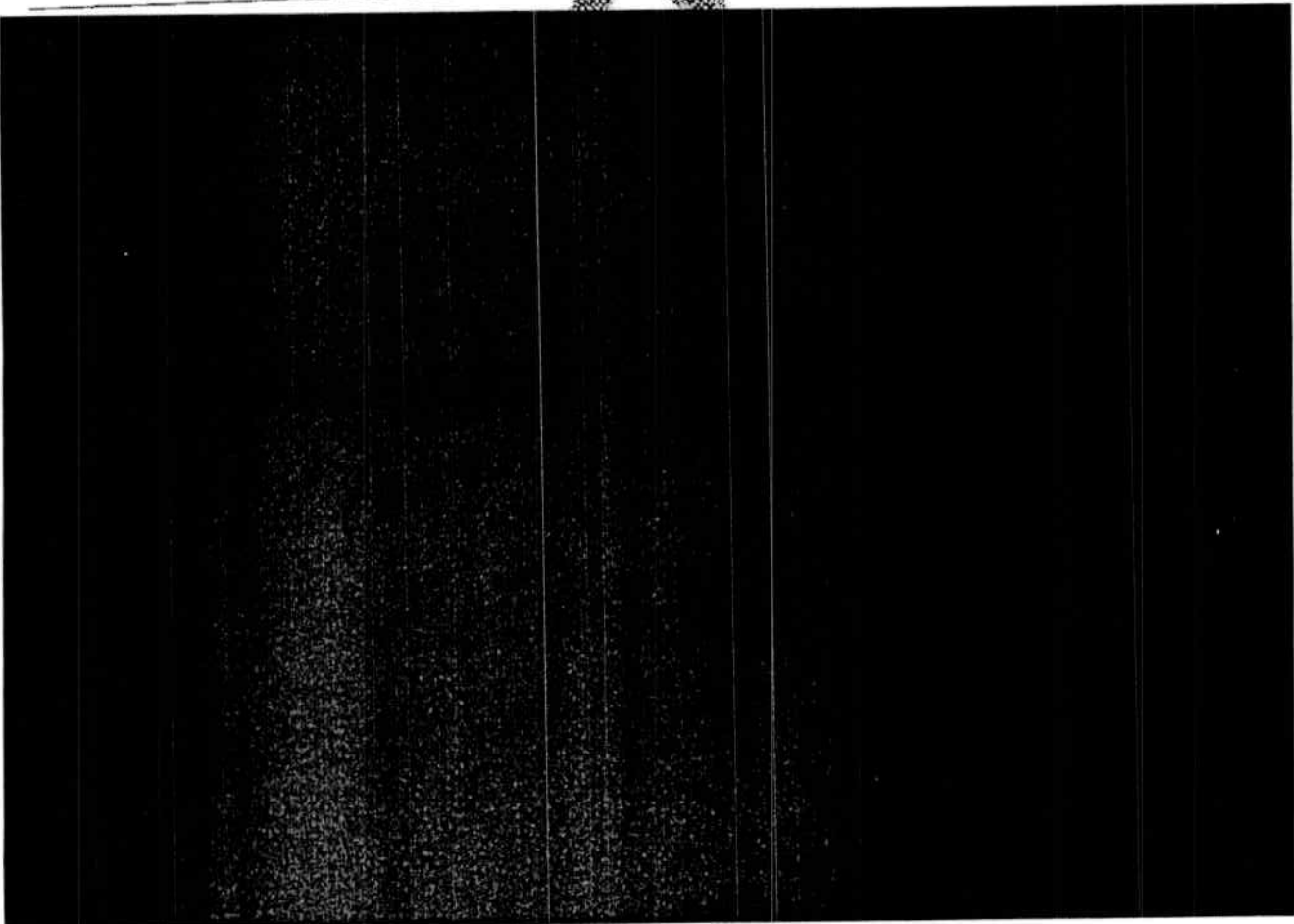
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**From:** David J. Evans  
**Sent:** 13 May 2011 16:55  
**To:** Diane Slater; Sally Anne Poole  
**Cc:** Joanne Stones; Daniela Guadagno  
**Subject:** RE: Internet Eyes - final views on undertaking

Fine by me, thanks

Dave Evans     Group Manager – Business and Industry

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22/06/2011

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**From:** Jonathan Bamford  
**Sent:** 07 June 2011 11:57  
**To:** David Smith; Diane Slater  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagnoli; David J. Evans; Sally Anne Poole; Stephen McCartney; Judith Jones; Meagan Mirza  
**Subject:** RE: Internet Eyes update

Diane,

Thanks for copying me in and giving the opportunity to respond. Thank you for the work you have put into this, particularly on testing out compliance with the undertaking. I agree with David's suggestion for an amendment but did have a couple of other suggestions for minor changes to the text. A tracked changes version is attached. None of these are sticking points if they cause you problems.

On a general point of caution, I think it is possible that we will get FOIA requests for our deliberations on this issue extending to the decisions surrounding timing of publication and which may include information not subject to FOIA exemptions. I may be being over cautious here, but I think we all should bear that in mind when deciding on the language we use in our e-mail traffic between us in case it is misconstrued and then misrepresented by any third parties.

Jonathan

Jonathan Bamford

Head of Strategic Liaison

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United Kingdom.  
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06/07/2011

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**From:** David Smith  
**Sent:** 07 June 2011 11:17  
**To:** Diane Slater  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney  
**Subject:** RE: Internet Eyes update

Diane

I am happy with the letter you have drafted, subject to any comments others might have. My only suggestion is that we actually send a copy of the undertaking to [REDACTED] along with the letter rather than just saying it will be available on our website.

Thanks

David

David Smith  
Deputy Commissioner and Director of Data Protection

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**From:** Diane Slater  
**Sent:** 07 June 2011 10:58  
**To:** David Smith  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney  
**Subject:** RE: Internet Eyes update

All

We have put together the attached draft letter to Privacy International, as per David's email below.

Due to leave commitments, it would be most helpful if any comments could be forwarded to us by close of business today so that the letter may be sent at a time convenient to the Press Office's request (publish Wednesday 15 June).

However, it has occurred to us that the ICO may not wish this release to stand out from the crowd – maybe it would be better to send the letter today and publish Wednesday or Thursday this week to 'bury' it among others? We await any comments on this also – but please note that neither of us will be in the office to check delivery of the letter to PI on 15 June, so if that option is chosen this aspect would fall to someone else to check.

Thank you, and we await your response.

Diane Slater and Daniela Guadagno    Lead Case Officers (Enforcement)

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

[REDACTED]

06/07/2011

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**From:** David Smith  
**Sent:** 06 June 2011 09:45  
**To:** Diane Slater  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney  
**Subject:** RE: Internet Eyes update

Diane

Many thanks to you and Daniela for sorting out this out so quickly. I suggest that the next steps are as follows

- Enforcement to write to Privacy International to tell them about the undertaking and the steps we have taken to ensure that IE are complying with it. In this we should make clear that their's is the only complaint we have received (provided this is the case) and that we have not had any complaints from anyone directly affected by the processing. We should also make clear that we will take any further complaints seriously.
- Once we know that PI have received our communication we publish the undertaking on our website
- At the same time, and subject to Press Office views, we publish a press notice about the undertaking also drawing attention to the fact that this is the only complaint that we have received and that we have checked compliance with the undertaking.

If anyone takes a different view or has other suggestions do let me know. We can always meet again to discuss how to proceed if it would be helpful.

David

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Deputy Commissioner and Director of Data Protection

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**From:** Diane Slater  
**Sent:** 03 June 2011 14:19  
**To:** David Smith; Jonathan Bamford; David J. Evans; Sally Anne Poole  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno  
**Subject:** Internet Eyes update  
**Importance:** High

All

We have now visited IE shops and headquarters again, as decided at the recent

06/07/2011

meeting.

Attached please find our brief report. We are satisfied that the company is doing everything possible to comply with the undertaking and has taken immediate steps to address our concerns.

We would appreciate being kept informed about the next steps. Please copy us both in to any response.

Thanks,

Diane Slater      Lead Case Officer (Enforcement)

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06/07/2011

**From:** Kirsty McCaskill

**Sent:** 06 June 2011 10:18

**To:** Diane Slater; David Smith

**Cc:** Robert Parker; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney

**Subject:** RE: Internet Eyes update

Hi Diane,

Can we time the letter arriving with Privacy International with our news release going out? Want to minimise risk they'll go out and do their own statement without our side of the story being ready. Am sure it will need to go round to quite a few people here for comment and that will take a bit of time.

We've got four news release already on this week. So let's pencil this in for Weds 15 June if that suits enforcement and that would mean sending it to PI on Monday Mon / Tues of next week I should think?

K

Iman Elmehdawy

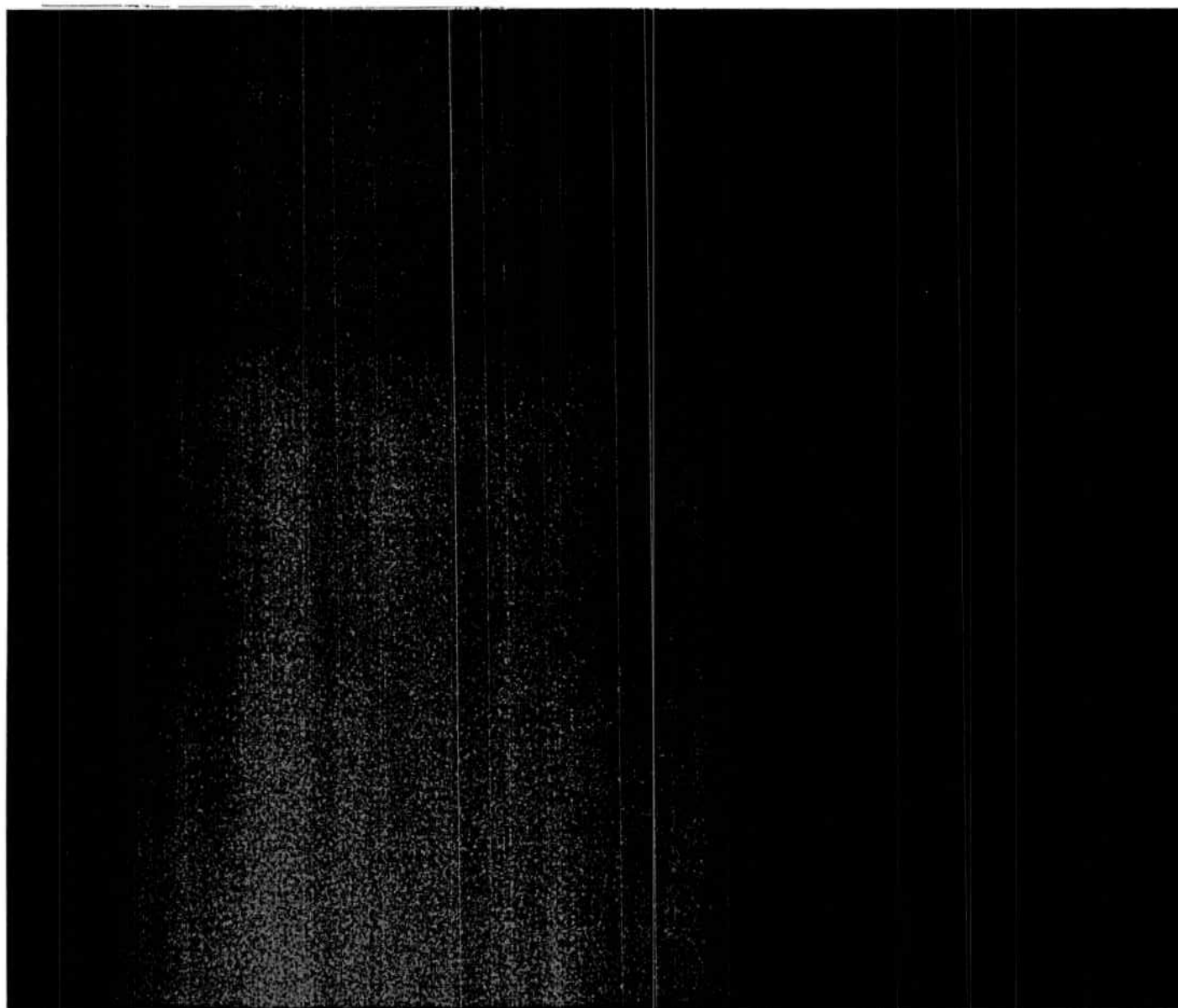
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**From:** Kirsty McCaskill  
**Sent:** 14 June 2011 12:22  
**To:** David J. Evans  
**Cc:** Jonathan Barnford  
**Subject:** RE: Internet Eyes update

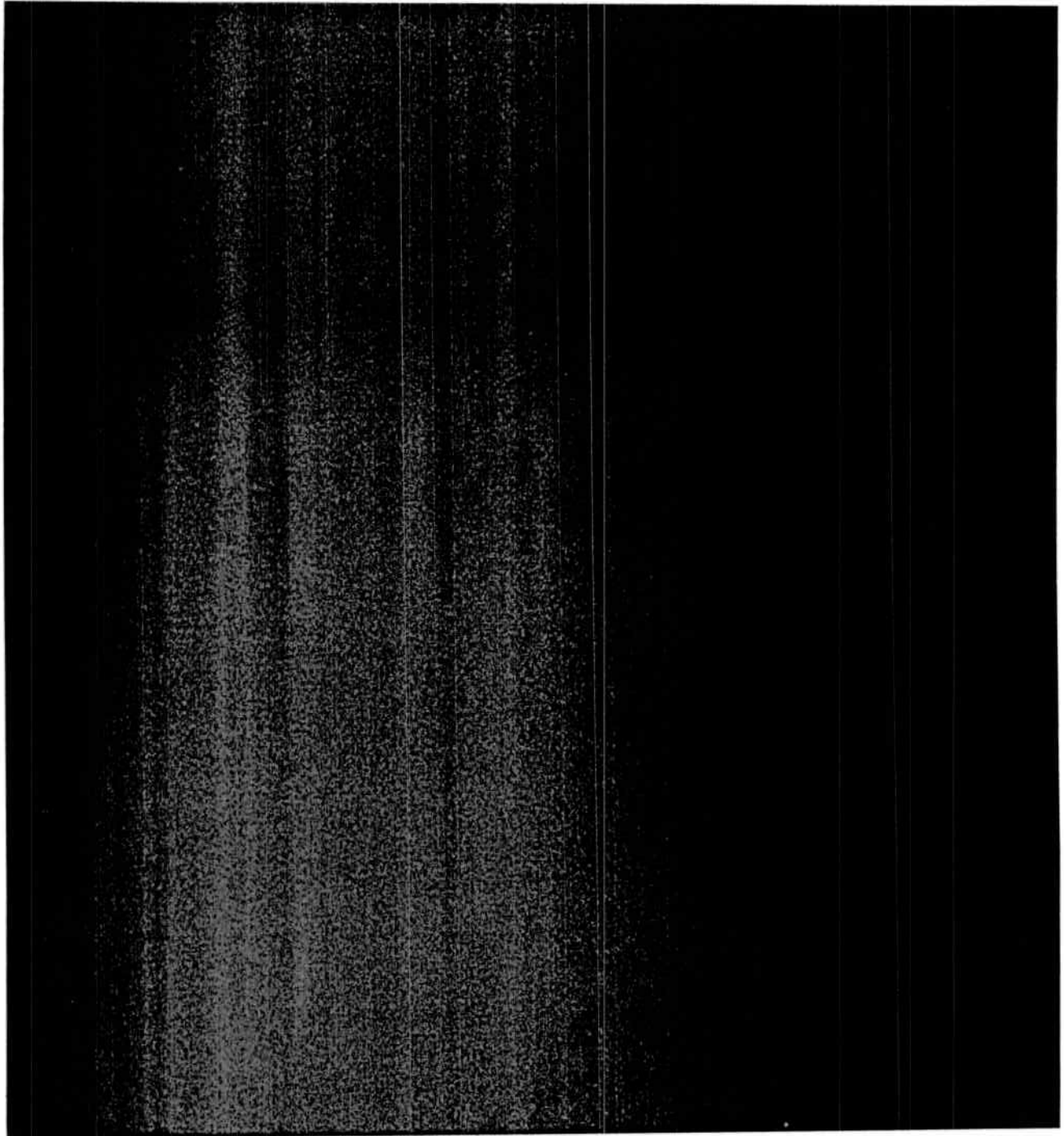
Thanks for email address Dave.

Have managed to catch Daniela and she has agreed to send it so it will go out from enforcement now. We're also now uploading the release on the website and issuing it to journalists.

K



07/07/2011



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**From:** Kirsty McCaskill  
**Sent:** 07 June 2011 11:11  
**To:** Diane Slater; David Smith  
**Cc:** Robert Parker; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney  
**Subject:** RE: Internet Eyes update

Hi Diane,

Yes, we would ideally not want this to attract much publicity but as Privacy International is the complainant this is no easy task. No doubt they will issue their own response proactively as soon as they receive our letter.

07/07/2011



We will do our best to draft a news release asap this week and will co-ordinate timings so that the letter hits Privacy International at the same time as sending out our news release. Will do our best to try to pick a day when it looks like a busy news day out there but – as you'll appreciate – this is difficult to predict.

Will keep both in the loop and have noted when you are both on leave.

K

---

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**Sent:** 07 June 2011 10:58  
**To:** David Smith  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney  
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Diane Slater and Daniela Guadagno    Lead Case Officers (Enforcement)

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**To:** Diane Slater  
**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno; Jonathan Bamford; David J. Evans; Sally Anne Poole; Stephen McCartney  
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David Smith

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**Sent:** 03 June 2011 14:19

**To:** David Smith; Jonathan Bamford; David J. Evans; Sally Anne Poole

**Cc:** Robert Parker; Kirsty McCaskill; Daniela Guadagno

**Subject:** Internet Eyes update

**Importance:** High

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Diane Slater     Lead Case Officer (Enforcement)

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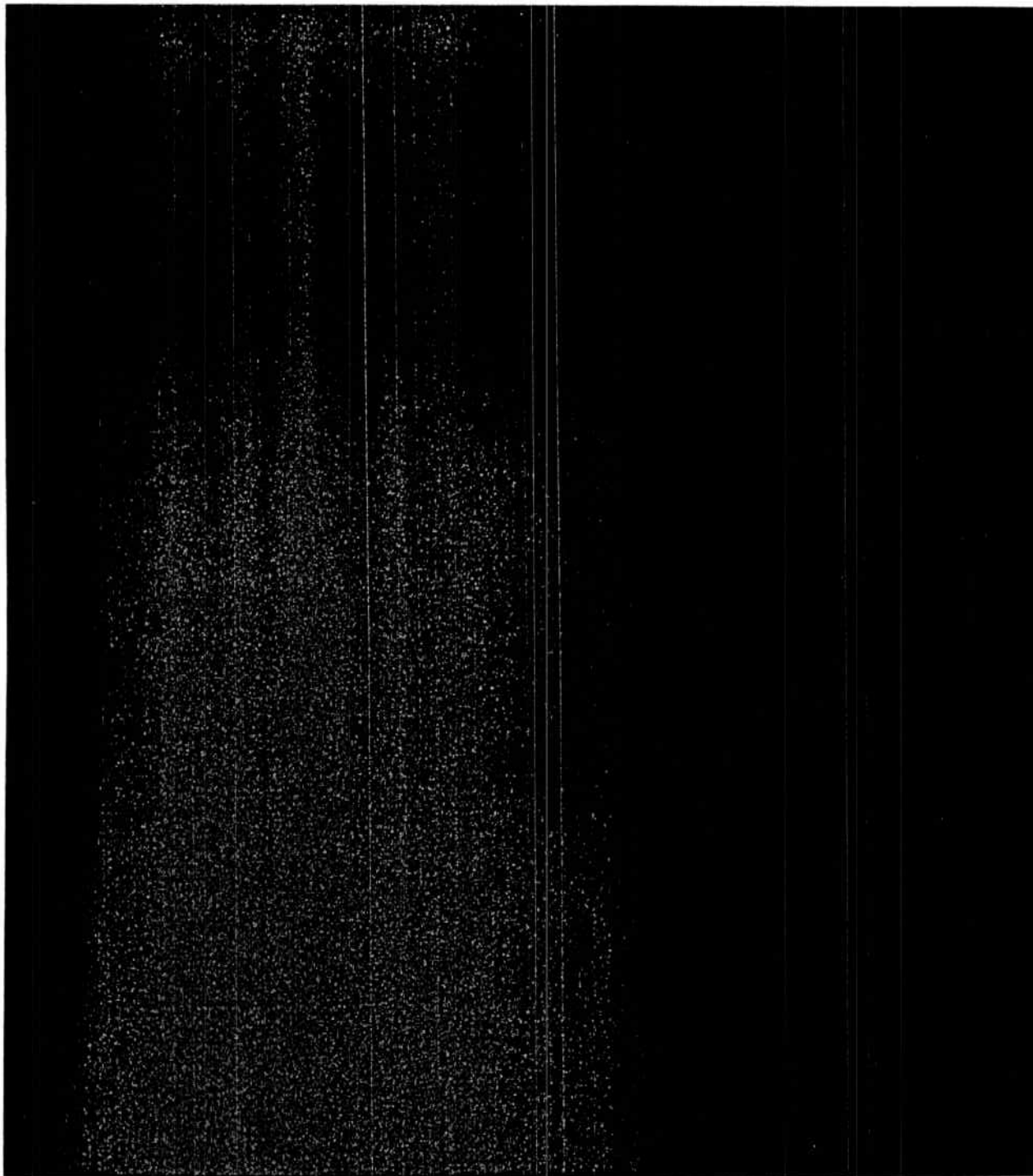
Daniela Guadagno     Lead Case Officer (Enforcement)

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Case Reference Number [REDACTED]

3 June 2011

NOTE: record of monitoring visit.



Case Reference Number [REDACTED]

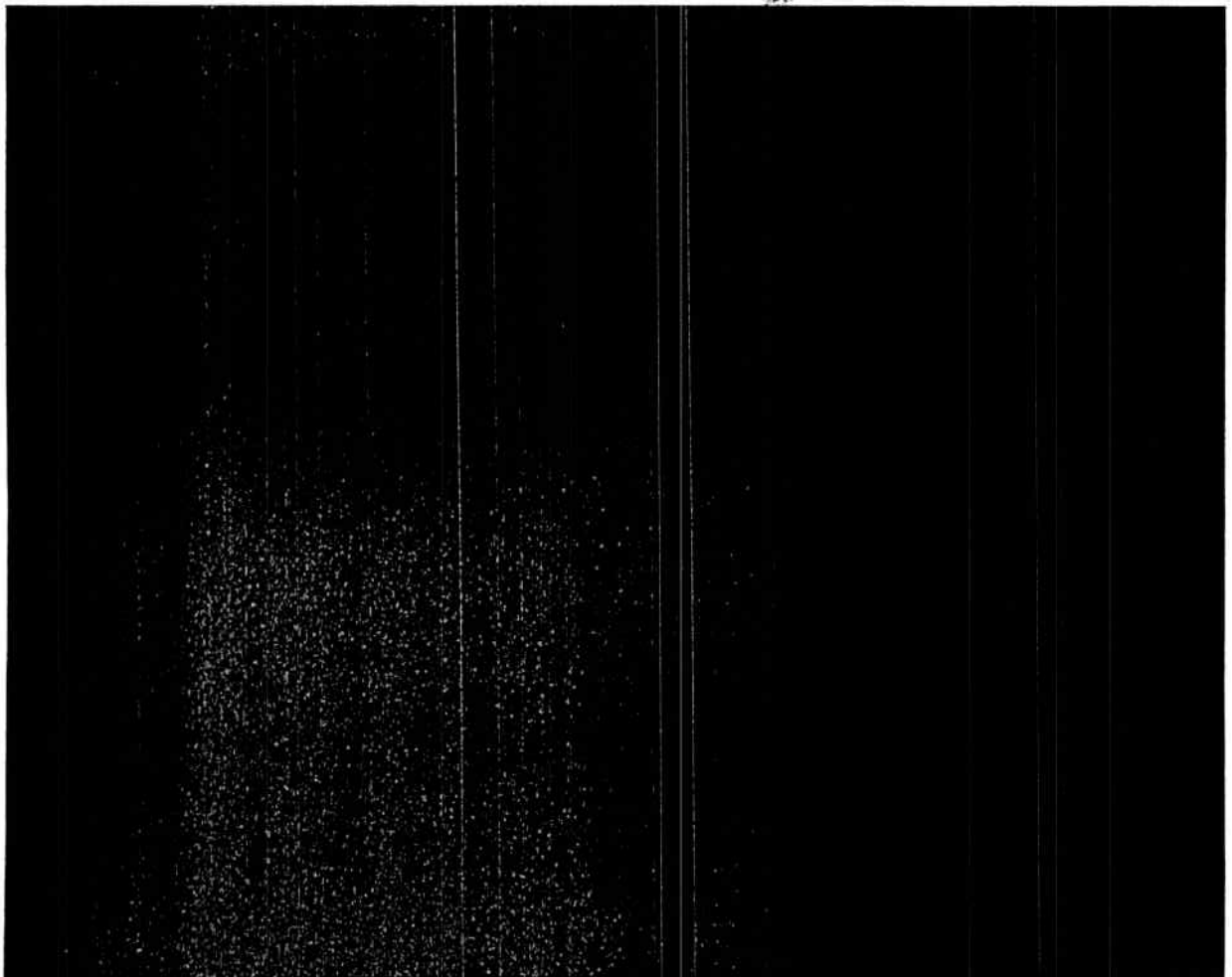
31st March 2011

NOTE:

31 March meeting about next steps – Internet Eyes

Attendees:

Daniela Guadagno, Diane Slater, Sally-anne Poole, Joanne Stones, Dave J Evans, Anne Russell



\* Sally to run the case past David Smith to see how he feels we should progress it. Outcome – David advised Enf to obtain formal UT

DG