



Ministry of
JUSTICE

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Mr. [REDACTED]

Our Reference: 56796

8 April 2009

Dear Mr [REDACTED]

Request for information

Thank you for your correspondence received by the department on 19 November 2008 in which you ask for information about BT, Internet Service providers, and Phorm. I am very sorry for the length of time it has taken to respond. I will address each part of your request individually:

1. *Please disclose all correspondence (fax, email, letter, telephone records etc) that has been exchanged concerning internet advertising using Phorm/121 Medial products between the Ministry of Justice and BT, and the Ministry of Justice and Phorm/121 Media since 2006.*
- Following investigations, I can confirm that the Department does not hold the information you are seeking. Extensive searches have been conducted within the Department and we cannot identify any exchanges of information between the Ministry of Justice and BT, and this Department and Phorm/121 Media.

2. *On what dates have Ministry of Justice officials and Ministers met with BT and/pr Phorm/121 Media to discuss internet advertising? What were the dates, minutes, and agenda of those meetings?*

- We have no record of any meeting between MoJ officials & Ministers, with officials with BT and/or Phorm/121 Media.

3. *When were the Ministry of Justice first made aware of the trials of Phorm/121 Media systems in 2006/2007?*

- Having conducted a search of our records, I can tell you that we do not hold any information informing us of the Phorm trials in 2006/2007 taking place.

4. *What evidence has the Ministry of Justice sought from BT concerning the secret trials in 2006/2007?*

- This Department does not hold any information from BT concerning the trials in 2006/2007, nor do we have any information about seeking evidence about those trials.

5. *When was the Lord Chancellor and Secretary of State for Justice first advised that covert trials of Phorm/121Media systems had been conducted in 2006/2007?*

6. *When was the Minister of State Michael Wills first advised that cover trials of Phorm/121Media systems had been conducted in 2006/2007?*

7. *What action has the Ministry of Justice taken as a consequence?*

- A search of our records has revealed that we do not hold any relevant information.

8. *Please disclose all correspondence (fax, email, letter, telephone records etc) exchanged between MoJ and BERR concerning the "issues" surrounding Phorm/BT webwise since January 1st 2008, particularly those prior to April 2nd 2008.*

9. *Documentation and correspondence concerning the way the "issues" were resolved by MoJ*

10. *The dates of meetings between MoJ and BERR concerning the "issues" surrounding Phorm/BT Webwise since January 1st 2008, please disclose the purpose, agenda and minutes of those meetings.*

- I would be grateful if you could clarify what you mean by "issues" surrounding Phorm/BT. If you could specify this point, I can then undertake a search of our records.

I thought it may be helpful if I explain why we hold very little information relating to your request. The Ministry of Justice is responsible for the legal framework surrounding the protection of personal information via the Data Protection Act 1998 (DPA). The aim of the Act is to provide proper protection for personal information. It requires all organisations which handle personal information to comply with a number of important principles regarding privacy and disclosure.

While we are responsible for ensuring the legal framework is fit for purpose, we are not responsible for compliance. This responsibility rests with the Information Commissioner's Office (ICO), who is the independent regulator of the DPA.

I understand that the ICO has made a ruling that Phorm is not breaching the DPA, providing the consent of the individual ISP customer has been obtained.

As part of our obligations under the FOIA, the MoJ has an independent review process. If you are dissatisfied with the handling of your request, you may write to request an internal review. The internal review will be carried out by someone who was not involved in making the original decision, and they will re-assess how the Department handled the original request.

If you wish to request an internal review, please write or send an email to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

Data Access and Compliance Unit
Information Directorate
Ministry of Justice
1st Floor, Zone 1C
Post point 1.41
102 Petty France
London
SW1H 9AJ


e-mail: data_access@justice.gsi.gov.uk

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office under Section 50 of the FOIA. You can contact the Information Commissioner's Office at the following address:

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

Internet: https://www.ico.gov.uk/Global/contact_us.aspx

Yours sincerely



Miss K Goburdhun