



## DATA PROTECTION

FLA (Finance & Leasing Association) is the major UK industry body for the asset finance, consumer finance and motor finance sectors. In its work on data protection, FLA's main aims are to develop guidelines on, and implement, best practice in data protection and to carry out detailed work on regulatory and compliance issues in data protection and privacy that affect members.

### ISSUE DESCRIPTION

The key current issue is the consultation document on penalties for the illegal buying and selling of data.

### CURRENT STATUS

Following a report from the Information Commissioner entitled 'What Price Privacy?', the Department for Constitutional Affairs issued a consultation document proposing that the maximum penalty for illegally buying or selling data should be increased from a fine to a two-year custodial sentence.

### FLA ISSUES

FLA unequivocally condemns the commission of offences under section 55 of the Data Protection Act and is working with members on the development of best practice guidance on the selection of recovery and tracing agents in order to avoid inadvertent breaches of the Act. However, FLA does have a concern that some breaches of the Act might be caused by the difficulty organisations sometimes face in obtaining information about absconding debtors for legitimate reasons. FLA is currently considering how this point should best be addressed.