



Home Office

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Our Reference: M [REDACTED]
Your Reference: J [REDACTED]

29th June 2009

Thank you for your letter of 22 June 2009 to the Home Secretary on behalf of Mr Peter [REDACTED] about Phorm and the UK Government's response to the European Commission Infringement Proceedings. I am replying as the Minister of State for Policing, Crime and Counter-Terrorism.

Phorm is a company that provides a Targeted online advertising system. Targeted online advertising describes a range of techniques employed by internet service providers, website and search engine owners to provide adverts based upon a users' online behaviours.

British Telecom (BT) conducted secret trials using Phorm technology in 2006 and again in 2007. **Those trials were conducted by BT without reference to Government.** Those trials have been the subject of many complaints alleging, amongst other things, breaches in data privacy laws and also the interception provisions within the Regulation of Investigatory Powers Act 2000 (RIPA).

Some of those complaints were directed towards the European Commission. The Commission, after an exchange of letters with the UK Government, issued a formal notice of infringement in April. The Commission is concerned to ensure European Member States have implemented legislation to provide for data protection, including measures to limit data interception and data surveillance.

The responsibility for this legislation engages a number of different Government Departments; for instance the Ministry of Justice, for Data Protection issues and the Department for Business, Innovation and Skills who have lead responsibility for the communications industry; whereas the Home Office has departmental responsibility for interception under RIPA and for the police who are responsible for investigating possible breaches of the interception provisions of RIPA by private companies. It was in this capacity the Home Office lead the response to the Infringement notice; the Home Office has no interest in internet advertising.

Your constituent has already requested a copy of this response and his request is being considered under the Freedom of Information Act. I should point out, there is an expectation on the Government to keep correspondence between the Government and the Commission confidential and that will form part of the consideration of whether or not to disclose the Government's response.

David Hanson

DAVID HANSON

A handwritten signature, likely of David Hanson, consisting of a vertical line with a horizontal stroke at the top and a small flourish at the bottom.