

David Investigations Manager - RAD

My name is David, I'm the Investigations Manager at the Information Commissioner's Office. I work within the Regulatory Action Division and have been employed by the Commissioner for almost ten years.

A member of the Commissioner's staff spotted the article in the Guardian, the article "The Enemy at the Gates" by Phil Chamberlain alleged that there was blacklisting going on within the construction industry. It was circulated among senior managers who then passed it down to the Investigations Department. The next steps were then to contact Mr Wainwright and another named individual in the article by Phil Chamberlain. We spoke to those two people and they provided us with additional information, including information that had been used in previous employment tribunals. This information appeared to indicate that there was a blacklist or there was a system operating within the construction industry where people were being disadvantaged in relation to their access to the workplace. We identified that a third party organisation had a piece of information that was relevant to our enquiries. We asked that organisation to provide that information to the Commissioner's Office, they declined, so we decided that we would then consider serving a demand for access on them to enter their premises to get that information.

That resulted in a lot of communications between their legal department and our legal department and eventually they provided the information to us.

The information that that third party organisation provided was the key piece of information we needed to identify that the Consulting Association was the organisation that was operating what we believed was a blacklist.

We applied for a search warrant for the premises of the Consulting Association in Droitwich, and on entering the premises we immediately found a ringbinder which contained over 3,000 names, National Insurance numbers, addresses and occupations of people within the building industry. We also found a card index system which we would describe as an intelligence database, this contained information in relation to individuals, and also in some cases reasons why they'd been excluded from the workplace, been fired, dismissed for things like theft or union activity.

On speaking to Mr Kerr, the person behind the Consulting Association, he very quickly identified that as a result of our visit he would be ceasing to trade. On returning to the Commissioner's Office we decided that we would call a meeting with the relevant parties within the office, such as the Press Liaison Office, Customer Service team, Legal Department in order to determine a way forward in relation to this matter.