



## **ICAEW RESPONSE TO CONSULTATION: ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA AND RETENTION OF COMMUNICATIONS DATA CODES OF PRACTICE**

ICAEW welcomes the opportunity to comment on the consultation paper *Acquisition and Disclosure of Communications Data and Retention of Communications Data Codes of Practice* published by the Home Office on 9 December 2014, a copy of which is available from this [link](#).

This ICAEW response reflects consultation with the Business Law Committee which includes representatives from public practice and the business community. The Committee is responsible for ICAEW policy on business law issues and related submissions to legislators, regulators and other external bodies.

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## MAJOR POINTS

### Communications data involving certain professions

1. We believe that maintaining trust in the professions is in the public interest. If such relationships of trust and confidence were to be threatened it may seriously undermine the public right of access to professional advice. Whilst we recognise the usefulness of communications data in fighting crime, the confidentiality of the advice provided by professionals is vital to the functioning of our legal and economic systems. We believe that the public interest would be better served by the introduction of primary legislation governing the protection of sensitive communications data.
2. That being said, we note that in paragraph 3.74 of the *Acquisition and Disclosure of Communications Data Code of Practice* the professions listed as handling privileged or otherwise confidential information are medical doctors, lawyers, journalists, Members of Parliament and ministers of religion. We would like to make it clear that accountants also have a duty of confidentiality and, in certain circumstances, the advice they offer can be subject to legal professional privilege. Therefore all of the concerns regarding sensitivity of communications data are also relevant to accountants. For this reason we believe that accountants should be included in the list of professions to which additional controls around infringement of privacy should apply.
3. We would add that our members are legally obliged under the Proceeds of Crime Act to make Suspicious Activity Reports to the National Crime Agency where they have suspicions that their clients are involved in terrorism or criminal activity with proceeds. Thereby law enforcement and other agencies receive valuable intelligence from our members without the need for interception.