

individual who is subject to the order. The *Stanley v Brent* case accepted that publicity was needed for effective enforcement of the order. Individuals do not welcome publicity and may view the effect of publicity as a punishment. However, a subjective assessment by the individual of the effect of publicity is irrelevant in determining the purpose of the publicity. Consideration of the human rights implications of publicity should be recorded.

Consideration of data protection

Publicity is not contrary to the Data Protection Act 1998 as long as authorities are operating in accordance with the Act. There is an exemption in section 29 of the Act let the processing of personal data for the purposes of prevention or detection of crime. This means that personal data can be processed with a view to compliance with a statutory function, where the data has been obtained from a person who possessed it for the purposes of the prevention or detection of crime. This will be the case when considering publicising an ASBO.

Type of publicity

No one directly involved in the case (witnesses and victims) should wait unnecessarily for information about an order. They should be informed immediately when an order is made. This is in addition to keeping them informed of progress throughout the court process and can be done by visits, letters and community meetings or by phone. Victims and witnesses may also be given a copy of the order. It is recommended that publicity be distributed to targeted households immediately after the order has been granted and by at least a week after the court date. Local people should be informed when variation or discharge of an order relevant to them is made.

The method of publicity can include the following:

- local print and television media.
- local leaflet drop; and
- local newsletter.

Practitioners need to apply the proportionality test when deciding which method is appropriate.

Leaflets and other printed materials, such as posters or residents' newsletters, allow local agencies to target particular neighbourhoods, streets or households with information.

The public can be informed about an ASBO at any time - publicity can be issued and re-issued according to the circumstances. However, publicity needs to be timely to ensure that people are able to enforce the order as soon as it has been granted and to reassure the public that something is being done.

Working with the media

It is usual for local statutory agencies to have working relationships with local and regional media, including press, television and radio. This is particularly relevant to issues such as anti-social behaviour and where the media are keen to report how local agencies are tackling these issues through the deployment of dispersal orders, ASBOs crack house' closures, etc. It is important to work with local media and to make them understand that it is not the purpose of any publicity to punish the individual. Media coverage has the potential to go to a wider audience than leaflets or posters. It is good practice to identify newspapers that report on city, borough and neighbourhood issues, free local press and local radio and television and to develop working relationships with them. This could include being aware of their publication deadlines, giving them exclusives and making sure that the complainant's (victim's) point of view is put across. However, it is important to

132

183.

Simon Cordell's Skeleton Argument (2) Pdf

Promoting a wariness of orders