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## Ian Puddick (Internet Crime)

*Motion made, and Question proposed, That this House do now adjourn.—(Bill Wiggin.)*

4.9 pm

**Mr David Burrowes** (Enfield, Southgate) (Con): I do not know whether it is something in the water, but Enfield has recently produced constituents whose cases are of high national importance, which are challenging legislation, international treaties and guidance. I refer, of course, to my constituent Gary McKinnon, to Andrew Symeou in the neighbouring constituency, and to Ian Puddick, the subject of this Adjournment debate.

I do not wish to entertain the House with the salacious details of this case, which are at times complex and at other times bizarre and, frankly, quite frightening. I wish to explore the principles and practice involved in the case, about which the whole House will no doubt be concerned, as they are fundamental. My primary concern, which again the whole House doubtless shares, is with the principle of equality before the law—the principle that money and wealth should not be used to warp the course of natural justice and that equality should not be eroded in the age of the internet and super-injunctions, which have seen in recent times.

It is only right for me to start by explaining some of the details of my constituent's case. In June 2009, Mr Puddick became aware that his wife was having an affair with her employer, who is a board member of a large reinsurance firm. He found on her phone explicit text messages from this man, which then led to his wife's confession that the affair had been ongoing for some 10 years. In his emotional state, my constituent began calling clients of this large firm, informing them that their manager had used company expenses to fund an affair with another employee. When the manager concerned became aware of this, he hired a private security firm, linked to his organisation, to discredit my constituent and to build a case of harassment against him. Mr Puddick received a phone call from the chief executive of the security firm, who reportedly said, "Our pockets are deep...we will bury you". How was he buried?

In August the same year, my constituent's home, office and his company accountants were raided by 16 officers from the City of London police counter terrorism and major crimes directorate. They removed his personal computers, his mobile phones, laptops, digital cameras and even his personal sat-nav and sent all this equipment to a high-technology crime laboratory for testing.

My constituent was subsequently arrested and decided not to have a lawyer. He then gave a full and frank confession that he made those phone calls to clients and he apologised for it. He was then charged and stringent police bail conditions were attached. On the first occasion he attended court, the bail conditions were relaxed as it became immediately apparent that my constituent was a man of good character and not likely to commit any act of violence or to make any threats. The court realised that the case needed to be dealt with proportionately.

I understand from my constituent that, to the surprise of the magistrates, when the officers were asked about the evidence that provided the basis for this case of harassment, it became clear that my constituent's wife had not even provided a statement. Despite all the extreme, disproportionate and expensive investigations that had gone on, which seemed to suggest a major crime, the one witness statement that one would have expected to have been brought forward did not materialise. Any right-minded person listening to the debate—and certainly those listening at the back of the court at which Mr Puddick first came into the public gaze—would have questioned why this was happening.

A trial was set for April the following year. Before that date the man who had had an affair with Mr Puddick's wife resigned from his position, and the case was dropped. One might have thought that that would be the end of it, and that there would simply have been complaints to the Police Complaints Authority Independent Police Complaints Commission—as, indeed, there were—which would have been processed in the usual way.

If the case had ended in that way we would not have ended up discussing it here at 4.15 on a Thursday afternoon, but Mr Puddick was rightly appalled by what had happened, and particularly concerned about the disproportionate actions that he felt had been taken by the police. For reasons of his own, which one may understand and with which one may feel a great deal of sympathy, he set up a blog—[www.ianpuddick.com](http://www.ianpuddick.com)—to which he uploaded a love letter that had been sent to his wife, as well as a video describing the disproportionate response of the police and questioning the actions of the private security firm. Entries to the website [www.policeexpenses.com](http://www.policeexpenses.com) and other similar addresses were redirected to the original blog.

What then happened, in May 2010, seemed to my constituent to have come out of nowhere. He was arrested again, this time not by local detectives but by the City of London police murder squad. He was told by investigating officers that he could not put that information on the internet. He replied, “I am just putting out information that is true.” The response from the police, which might be considered chilling by anyone concerned about freedom of speech, was, apparently, “Even if it is completely true, you have committed a criminal offence.”

Mr Puddick was subsequently charged, again, with harassment, but on this occasion on the specific grounds that he had created and distributed three websites which were designed to discredit an individual both professionally and personally. He denied all the allegations, and the case went to the magistrates court in June this year. It was put to the magistrates that Mr Puddick was guilty of harassment through Facebook, Twitter and his websites, and it was partly because of those extra allegations that the case made national headlines. However, it was proved in court through cross-examination at an early stage that there had been no use of Facebook or Twitter.

I understand that an officer from City of London police offered the explanation that the counter-terrorism and murder squads had been called because of the level of distress that she believed my constituent was causing through his websites. One can only speculate, looking at other websites, on whether such distress constitutes grounds for using the precious and important resources of the counter-terrorism and murder squads. I am glad that the Minister for Policing and Criminal Justice, my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) is present to note my concern in that regard. My constituent was finally found not guilty of the charge of harassment on 17 June this year.

Having listened to that extraordinary tale, some may believe that it involves a purely operational issue which really belongs on the pages of the tabloids—where it did indeed appear in this instance—rather than in the Chamber. However, as I said at the outset, there is a key point of principle: the principle of equality before the law. As my constituent has stated on numerous occasions, if this could happen to him, it could happen to anyone.

I want to raise two key points with the Minister. The first is the apparent influence of wealth and authority on the implementation of the law. It seems clear that had it not been for the well-connected private security company and the high profile of the business involved, my constituent would not have experienced such a disproportionate use of force and response. If there is another reason, no one is aware of it. Indeed, it is

interesting that the man who had the affair with Mr Puddick’s wife was even advised by police in Sussex—the county where he lives—that this was a civil, not a criminal, matter, and anyone looking at this case would say that that seems to be a very reasonable judgment to make. Despite that, City of London police were approached and the raid in May 2009 followed. My constituent argues that the second raid almost a year later, following the publication of the blog and website, was also based on information that came from the private security firm and outside interests.

We can go back into history—indeed, all the way back to AD 43, when there was the first recorded mention of equality before the law, by Pericles, and we can then eventually go on to the Magna Carta and other important integral documents in our constitutional law that establish that equality before the law is an important principle. Pericles stated:

“If we look to the laws, they afford equal justice to all in their private differences...class considerations not being allowed to interfere with merit”.

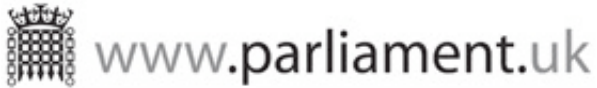
Those words and our fundamental principles based on the Magna Carta and established through international law and treaty obligations would seem to be all but forgotten when the 16 counter-terrorism officers from City of London police raided a residential property because, from the point of view of my constituent, who is a mere plumber, that seemed to be in the interests of more powerful and wealthy business interests, which were concerned about the effects on reputation and sought to challenge the concepts of free speech and the truth.

One could take a view about the appropriateness of how my constituent went about this matter. One could criticise that and say that it was not right, but questions have to be raised about the fact that those actions were criminalised to the extent that they were, and that the police decided to act in the way they did and used the resources they used, which is why the matter has come to this Chamber. This is a fundamental issue in the wider context of our legal system. As a practising lawyer, I have concerns, but this should be of great concern to all Members.

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I do not need to remind the House of the recent super-injunction controversy and the complexity added to that by Twitter and the open-platform social media that provide a forum. The key issue in that debate was not merely the affairs and the scandals, but the fact that our legal system sought to support, or some would say protect, those individuals of some privilege who were able, through wealth and influence, to seek to protect their reputations and their future incomes, regardless in some respects of the consequences and the human collateral damage.

It appears that my constituent's experience is not an isolated one, since having secured this debate I was contacted by Dr Howard Fredrics, who is similarly charged with harassment because of a website exposing misconduct by officials at Kingston university. Even though, as I am also informed, Kingston police found no evidence of harassment, the Crown Prosecution Service went ahead with a case against Dr Fredrics, just as the CPS decided not to take account of Sussex police advice and a case was mounted against Mr Puddick. In both cases the common factor seems to be people and institutions of influence, and one would have to say that the concept of the rule of law has been challenged. Those are two examples, but there may be more, which might have gone unnoticed because of the under-reporting of magistrates court cases. The reason for this debate is that they should not go unnoticed by this House or the Government.

The disproportionate response to my constituent's case raises fundamental questions, and we cannot cast them aside as an operational blip. The reaction casts a shadow over the way in which we respond to issues, not least issues of free speech. These issues are becoming much more complex, but they are so important. That applies to matters on the internet and online, and matters outside and offline.

The issues raised by my constituent's case, which relate to free speech and the way in which the prosecuting authorities deal with enforcement, particularly in respect of the internet, are important and of wider significance. When dealing with cases of cyber-stalking or online harassment, it is important to consider how enforcement is applied and how the guidance really does affect these issues.

We need to recognise that there is no suggestion that Mr Puddick's comments on his website were untrue. The prosecution because of his comments relied on the argument that the repetition and spreading of the factual points amounted to harassment. It is important for me to make it clear that I entirely agree with the Government's policy and approach to this issue. The case law and policy make it clear that harassment is illegal online as much as it is illegal offline. We learn of some awful cases of cyber-stalking, and they should properly be prosecuted and punishable with the full force of the criminal law. If an individual persistently contacts or attempts to contact a victim and the court concludes that that conduct constitutes harassment, the police need to follow through proportionately to where the evidence leads them and a prosecution needs to follow, where appropriate. That should happen regardless of whether such behaviour occurs in person or through online social media.

I recognise that sound guidance is in place on dealing with cyber-stalking and harassment. I invite the Minister to consider, after this debate, whether that guidance is fit for purpose and whether it is appropriate, particularly given how it seems to have been wholly misapplied in the case of Ian Puddick. The Government are rightly examining areas of vulnerability in respect of young people and those with disabilities, who need particular protection when it comes to dealing with the internet. We need to recognise that we have a particularly strong duty to those people, and it is right that the Government, in applying the guidance, are examining those areas. We also need to ensure that the fundamental principle of the equality of the law is applied across the board.

As is clear from the account that I have given, it is clear that the proper guidance and way to apply that

guidance is far removed from what happened in Mr Puddick's case. He was told that he was not allowed to put up his website because it, in effect, damaged the reputation of another individual and that that damage amounted to illegal harassment. Since this case has reached the public gaze, several commentators have remarked that if Mr Puddick had been found guilty, the floodgates would have been opened for a number of other such claims.

I am sure that other hon. Members, perhaps in an unguarded moment, would be tempted by the possibility of prosecuting the odd blogger who wrote an article about them with which they disagreed. I have had an attack website constructed against me. It is dedicated to opposing me and, some would say, to damaging my reputation, and colleagues would doubtless be able to give examples of different actions that have taken place. However, many of us would also recognise that there is a role and place for the law, including the civil law—there is no doubt that the law on libel and defamation has a role to play. I welcome the Government's review into super-injunctions, which is examining how we can properly ensure that our approach to these whole areas of privacy, and libel and defamation are made fit for the modern-day purpose. I would also welcome a proper look at the current Crown Prosecution Service guidelines and how they apply in all the different circumstances.

I am calling for a level playing field—the level playing field that has been established over many years and that this country, rightly, is proud to promote and apply. I hope that my constituent's case will set a precedent or at least be a marker to suggest that such websites and blogs should be properly considered in the context of an appropriate and proportionate application of guidance in both criminal and civil law. It is important that, as online technology develops rapidly, we ensure that the Government also allow for proper clarity in their guidance so that we do not face situations such as that which sadly caused detriment to Mr Puddick.

We also need to be particularly watchful when criminal law is involved. Cases such as Mr Puddick's might be rare—we do not have the exact numbers—but we need to recognise that when there is enforcement by the police, liberty is lost and other consequences arise, we must be ever watchful and mindful of the serious repercussions and how they can chip away at, or even take a chunk out, of the fundamental principles that we all hold dear.

In conclusion, the issue in this case is not the affair that some people might have been interested in reporting on, and it is not about my constituent and his phone calls to clients. This is not about the man or the affair. The issue is whether Ian Puddick has made the case that large companies and private security firms have an influence that has led to a taxpayer-funded police force following what some might suggest was a taxpayer-funded crusade. Indeed, it was called Operation Bohan—I am not sure why it was named after Bohan, the son of Rueben—and the whole operation was dedicated to this case, seemingly to silence his accusations because they might harm financial interests.

One could argue that if the complaint had been made to the City of London police by an ordinary member of the public—say, a plumber like my constituent—the estimated £1 million would not have been spent investigating and prosecuting the case. It would, I imagine, have been dealt with as a civil matter, worthy, if the police had been involved, of a quiet word from them. I say that the £1 million is an estimated figure, and Mr Puddick has been asking questions to find out the true costs. If possible, I would be interested in hearing at some point—I know the answer will not be available today—how much the police operation and prosecution cost.

Without any further information, it would seem that Operation Bohan flew in the face of the key principle of

equality before the law by seemingly putting the interests of wealthy organisations above the free speech and basic rights of the everyday citizen. I do not say those words lightly. I have been a criminal solicitor for 14 or so years and have great respect for the rule of law, for our system of justice and for how it is properly applied day in, day out, by police officers and prosecuting authorities. When we see cases that seem exceptional and that are exceptional in their application of power, we must stand up for our constituents. It is worse for everyone, not just my constituent, that the operation was funded by the taxpayer. My tax-paying constituents—all of them—played their part in paying for the anti-terrorist officers, the high-technology laboratory and the extensive surveillance. Indeed, they also played a part in the Crown Prosecution Service's seemingly doomed attempt to prosecute Mr Puddick.

My constituent is concerned about what he would call an apparent perversion of natural justice that must be identified, addressed and appropriately challenged by Ministers. The Government and the Minister are rightly big on accountability and I fully support that, but we also need to recognise that there must be accountability for the actions of the police and the prosecuting authorities. They must be brought to account in cases such as Mr Puddick's so that we can ensure that another innocent member of the public is not awoken by an armed counter-terrorism unit acting, perhaps, on the whims of wealth and power.

4.35 pm

**The Minister for Policing and Criminal Justice (Nick Herbert):** First, let me congratulate my hon. Friend the Member for Enfield, Southgate (Mr Burrowes) on securing the debate, which it is a pleasure for me to respond to on behalf of the Government. I know of his long-standing interest in these issues, particularly on ensuring that freedom of expression is protected and I fully understand why he seeks to raise his concerns about the case of his constituent, Mr Ian Puddick. I appreciate that my hon. Friend seeks to put the case for his constituent very forcefully, which he has certainly done.

I know that my hon. Friend understands that Ministers do not have a role in commenting on or interfering in specific cases, but it is important to restate that point. In this country we have a principle of operational independence for the police and it is very important that Ministers do not seek to direct police investigations or to comment on them improperly. However, it is also very important that we have a proper system of accountability for the police and their actions in relation to the law and more widely. I will return to that point. I am afraid that I cannot therefore comment on the legal aspects of this individual case, but I understand that the City of London police took the allegation of harassment against Mr Puddick very seriously and that it was investigated in line with national procedures.

I also understand that the City of London police received a complaint last September relating to the conduct of officers involved in Mr Puddick's arrest on suspicion of harassment in August 2009. Following a thorough internal investigation the force's professional standards directorate found no misconduct. Mr Puddick was informed of that decision last December and had the right to appeal to the Independent Police Complaints Commission. I do not know whether he has pursued that course, but my hon. Friend might wish to contact him and help him in that regard. We have a formal complaints procedure whereby the conduct of police forces can be properly investigated precisely to deal with situations in which people feel they have been improperly treated by the police. Having the IPCC means that such complaints and police forces can be independently investigated quite separately from Government, as is proper, but there might be reasons why Mr Puddick has not taken that course.

**Mr Burrowes:** I am grateful for the Minister's response and I will certainly follow up the details of my constituent's complaint. My presumption is that the progress of his complaint was subject to the fact that



proceedings were ongoing, but they have recently been concluded and he will now be able to pursue many avenues. The problem he has probably encountered is that his complaint is not like usual complaints about how people have been treated in detention or on arrest, but is more of a systemic issue about an operational decision that was taken, and so he might find it harder to get to the truth. I therefore invite the Minister to make inquiries into why, given the facts of the case, the decision about Operation Bohan was taken.

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**Nick Herbert:** My hon. Friend is seeking to draw me into precisely the sort of comment about individual

investigations that I am prohibited from making. Nevertheless, I will say that it strikes me that this case would merit an appeal to the IPCC. I might be wrong about that and will ensure that I follow up the debate by sending him formal advice on whether that remains an option for Mr Puddick.

My hon. Friend referred to the involvement of counter-terrorist officers in the case, which the media also reported on. I can confirm that the investigation was run by the force's major investigation team, which, although it was set up primarily to deal with major crime, occasionally deals with cases outside its remit to relieve pressure on other departments within the force. The team sits within the force's serious crime and counter-terrorist directorate, which might explain the confusion and the suggestion that counter-terrorist officers were involved in the investigation.

I know that my hon. Friend will agree that, when the police receive an allegation of a crime, they should consider it properly. Indeed, they are required within the rules set out to record it. The offence of harassment can cause the victim great distress, and the police are committed to responding in a timely manner when they receive such reports. My comments in this respect are not to be taken as an endorsement of the police action in this case, but I think that we would all agree with the general principle that it is proper for the police to respond to and investigate such claims.

The internet has hugely enriched our lives and every Member of the House is fully aware of its potency, but it can also be a useful tool for those seeking to abuse and intimidate their victims, and it is a source of particular concern to the Government that a new opportunity for crime has been created through cyber-bullying, cyber-stalking and such harassment of victims. The abuse can continue for long periods, with no refuge for the person on the receiving end of the harassment, and can involve a much bigger audience, with more people becoming accessories to the harassment by forwarding offensive messages and images, making it difficult to identify the perpetrator. For all those reasons, the Government are very concerned about the growth of this form of criminality and are seeking to deal with it.

Let me be clear that we have no plans to block legal internet content or websites. Our view on published material is that it is important to strike a balance between freedom of expression and protection of the public and that it should be proportional to the potential harm that might be caused. In other words, it is important that the action we take, and indeed the action of those who enforce the law, is proportionate, which is precisely the word my hon. Friend used. We are making progress in this area and there will be a ministerial seminar next week on personal harm on the internet, which will focus on the two key themes of cyber-stalking and hate crime. It is important that we continue to make progress in this area. Nevertheless, I strongly agree with the principle of equality before the law, as my hon. Friend set out. It is important that police forces in this country are impartial and act without fear or favour, and he is right to restate that principle.

My hon. Friend is correct to say that I am big on accountability, and so are the Government. We seek to ensure that police forces are accountable—of course—to the law for their actions, and they are in the case before us. I mentioned recourse to the IPCC, and should Mr Puddick believe that the police behaved unlawfully in his case he also has recourse to legal action. I make no comment on whether that is the case, but the police are not above the law.

The police should also be accountable for their actions, and we seek to strengthen the democratic oversight of policing, but that does not extend to interference in operational independence, because that principle must remain. We are, however, going to give directly elected police and crime commissioners an important role in the oversight of police complaints—not to receive complaints directly, because that will still be a matter

for the IPCC, but to ensure that forces generally deal with complaints properly.

I regret that that measure will not be applicable to the City of London police, because it is the one force to which we will not be introducing directly elected police and crime commissioners, but I am sure that the force itself and the authority that holds it to account will watch carefully the developments in our legislation.

On the cost of the investigation, my hon. Friend cited the sum of £1 million. I am not sure whether he thought that that was the cost of the police investigation and the Crown Prosecution Service investigation, but the City of London police state that the £1.5 million cost that was ascribed to the investigation, was very wide of the mark. I am not able to respond to his suggested cost for the combined operation of the police and the CPS, but I am happy to ask that the City of London police and the CPS provide that information to my hon. Friend. Importantly, the CPS would of course have had to agree to the charges that were brought before the courts and, in doing so, have taken the view that a prosecution was in the public interest, so the actions that were taken were a matter not just for the police, but for the CPS.

Without trespassing further on the detail of the case, I fully understand my hon. Friend's concern about the matter and, indeed, respect the fact that he has brought it to the attention of the House. I hope he understands that I cannot interfere, but I hope also that I have provided some useful information.

**Mr Burrowes:** I am grateful for the Minister's response. He will be aware, because I have raised the matter with him before, and agree that what is needed among other things in our justice system is information. Indeed, in the words of the Victims Commissioner, relentless information is a real driver of change and of accountability, and one aspect of that is the reporting of magistrates court cases, which often go unnoticed. I have raised two examples, but in that area as in others the benefits of more information will raise the stakes on accountability and ensure that Ministers are as aware as others of whether there is a prevalence of such cases and of the actions that could lead to criticism and to operational changes.

I therefore ask the Minister to have an eye for that, as well as just to—

**Madam Deputy Speaker (Dawn Primarolo):** Briefly.

**Mr Burrowes:** I will just raise one other matter concerning internet crime, which is the subject of the debate. I welcome ministerial involvement in the seminars on hate crime, which is a real concern. There is a particular prevalence of anti-Semitism on the internet, and I know that Ministers are taking on work from the previous Government in that area.

**Nick Herbert:** I strongly agree about the importance of transparency. The criminal justice system is relatively opaque, but this week the Government have announced further moves to increase transparency. One area in which we wish to do that is the criminal justice system, and I am working on such proposals because I believe that justice must be seen to be done. I hope that my hon. Friend will take a continuing interest in that and will encourage us in our efforts.

I am grateful to my hon. Friend for supporting our action on hate crime, and I know that he understands the importance of dealing with it. In respect of this case and the issues that my hon. Friend raises, it is very important that we and the law strike the appropriate balance. Free speech is an important freedom that must be protected to the greatest extent possible, but it cannot be permitted if harm is done to others. The law exists in order sometimes to curtail the operation of free speech where such harm may be done. That is why we have a harassment law. It is right that our law enforcement agencies focus on areas where people may be

bullied, harassed or subject to intimidation and threats, and that includes through the new medium of the internet. It is appropriate that our law enforcement agencies take action according to the laws that have been set out by Parliament. It equally behoves those agencies to behave in a proper and proportionate manner.

*Question put and agreed to.*

4.51 pm

*House adjourned.*

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