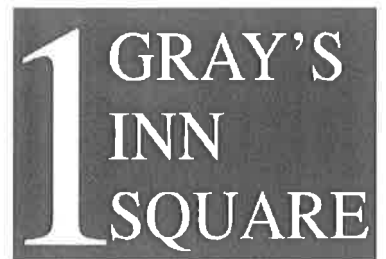


1 Gray's Inn Square,  
Gray's Inn,  
London, WC1R 5AA  
Tel: 0207 405 0001  
Fax: 0207 405 0002  
DX: 1013 Chancery Lane  
Email: clerks@1gis.law.co.uk  
www.1gis.co.uk



Barristers Chambers

7<sup>th</sup> May 2013

Dear Police Commissioner,

**Re: Restrictions placed on Crystal Palace Football Club and Brighton and Hove Albion Football Club fans for the matches to be held on 10<sup>th</sup> May and 13<sup>th</sup> May 2013**

I would like to express my concern about the restrictions which have been put in place for the fans attending the above football matches.

Whilst I accept that there are special policing procedures with regard to football fans, I have grave concerns that the current restrictions do not comply with the laws on stop and search, and on data protection, and further that they are couched in such wide terms as to be unworkable.

I am writing this as a personal letter, however, as a lawyer familiar with football policing, I have been contacted by many fans who have expressed their concerns to me.

Firstly, I question whether the data protection issues have been considered with regard to the stewards who are to be authorised to stop check fans and check their identity document against their match ticket. As you are no doubt aware there are quite stringent data protection laws in place to prevent the inappropriate and unauthorised processing of personal data. A steward reviewing a document and later making a record of the information, or taking a photo of the document at the time of the stop check would be classed as processing. It is even more of a concern if those stewards are going to be authorised to carry body cams. In essence, each steward will have to be registered with the data controller, and will be required to provide their details to the fan on being asked to do so by the fan, and will have to guarantee that they are not processing the data in any way. Due to the fact the stewards are not going to be monitored, this is not something which I believe that the Metropolitan Police, or any other police authority, or Crystal Palace Football Club will be able to guarantee.

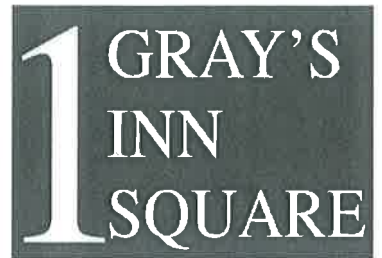
Secondly, what is the contingency for the situation where a fan refuses, as is their right, to provide their information to the steward? On a reading of the restrictions, it would appear that the stewards outside the stadium will be able to stop the fan and order that they leave the area. If this is outside the stadium and on a public highway, I suggest that there is no power for a steward to do this.

Thirdly, if the fan produces a ticket without ID or has a ticket which is not identical to their ID, there is an intimation from the press release that the details of the fan will be taken. Clearly this is data processing, and it is highly questionable whether the stewards will have the legal authority to do this. I suspect that the stewards will be told that they should call for police assistance, however, under what powers will the steward be able to detain the fan until the police arrive, taking into account that failing to produce ID or having a ticket in a different name to the ID is not a criminal offence and on that basis there will be no power to detain.

Community  
Legal Service



1 Gray's Inn Square,  
Gray's Inn,  
London, WC1R 5AA  
Tel: 0207 405 0001  
Fax: 0207 405 0002  
DX: 1013 Chancery Lane  
Email: clerks@1gis.law.co.uk  
www.1gis.co.uk



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This leads me to the fourth question which arises from the police powers to stop and search. It is suggested that fans can be stop checked on their way to and from the stadium. There is no indication as to how far from the stadium these stop checks can occur, hence it is highly possible that a fan boarding a train at Victoria or London Bridge could be stop checked. How can this be in line with the stop and check procedures. What is meant by 'to' and 'from', the interpretation of this is so wide as to be unworkable.

There does not seem to be any provision for the situation where a fan refuses to produce their ID to a police officer, other than the fact that the football club will impose a year ban. This smacks of the football club being used to enforce a rule which the police, as a public authority, cannot enforce. However, in view of the fact that the police will be providing the information to the football club, in my view it will open the Metropolitan Police to the risk of legal action against them should any officer take the ID details and pass them on to the Club as it is questionable whether this is data processing within the Data Protection Act, and further whether the data has been obtained in accordance with the law.

While I accept that there is a very small risk of a few fans committing anti-social behaviour, as has been shown in recent weeks (but wildly exaggerated in the press) the large majority of football fans who will be travelling to the matches on 10<sup>th</sup> and 13<sup>th</sup> May 2013 are law abiding. I am very concerned that they should not be subjected to such draconian measures which are questionable in law when current football policing powers should be adequate to deal with any incidents of disorder that may occur.

Please do not hesitate to contact me should you wish to discuss the matters raised in this letter.

Yours faithfully

Alison Gurden  
Barrister  
Bar Pro Bono Lawyer of the Year 2012.

