

## John Donovan

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**From:** John Donovan [john@shellnews.net]  
**Sent:** 23 August 2007 18:05  
**To:** 'david.sanger@shell.com'  
**Cc:** 'alfred@shellnews.net'; 'michiel.brandjes@shell.com'; 'jeroen.vanderveer@shell.com'; 'jorma.ollila@shell.com'; 'richard.wiseman@shell.com'  
**Subject:** Subject Access Request

Dear Mr Sanger

In your letter of 2 August 2007, you stated as follows: -

*We refer to your email to Mr Brandjes dated 30 July 2007, a copy of which has been passed to us.*

*In that email you asked why the names of both the sender and the recipient are blanked out on certain of the Shell internal correspondence supplied to you pursuant to the SAR and the Data Protection Act 1998. By way of explanation, we would refer you to the content of our letter dated 13 July 2007 that accompanied the bundle of documents sent to you.*

*Yours faithfully  
Shell International Limited  
David H Sanger  
Company Secretary's Office  
Legal Department*

The relevant section of the letter of 13 July 2007 stated as follows: -

*As you may be aware, the Data Protection Act 1998 (the "Act") contains certain provisions that are designed to protect the privacy of third parties where third party information is contained within information that would otherwise be required to be disclosed in order to respond to a subject access request. In particular, section 7(4) of the Act provides as follows:*

*"Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless:*

*(a) the other individual has consented to the disclosure of the information to the person making the request;  
or*

*(b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual."*

*We have reviewed and interpreted this clause together with the Information Commissioner's data protection technical guidance note dated 12 July 2006 entitled "Dealing with subject access requests involving other people's information". This guidance note states that in determining whether personal data needs to be disclosed a data controller should, at the outset, consider whether it is possible to comply with the request without revealing information which relates to, and identifies, a third party individual. The guidance note goes on to state that "as your obligation is to provide information rather than documents, you may delete names or edit documents if the third party information does not form part of the requested information". If the third party information can be removed while still complying with a subject access request, then there is no need to consider the application of section 7 of the Act. As you will see therefore we have redacted from the enclosed information the names, positions and contact details of third party individuals that appear in the documentation.*

The first point I would like to make initially to you, **and if necessary to the Information Commissioner**, is that we now know from the incomplete information already supplied that, as we suspected (but did not know for certain), information highly injurious to our reputation has been originated and stored by Shell and published/circulated to third parties without our knowledge.

One example is the article under a heading of "FUEL FOR THOUGHT: DEFENDING THE COMPANY'S GOOD NAME AND REPUTATION", authored by a Shell UK Director, Richard Wiseman. According to the handwritten notes on the A4 page supplied, the publication was called "OPDirect" and the article in question was published in NOVEMBER 1998.

We had no knowledge of this article or of its publication. Under the circumstances, could you kindly tell us more about the article e.g. was it published in a Shell in-house magazine or newsletter, or was it published in a trade or consumer magazine? Could you also kindly explain why a whole section of the article – every single word in 18 consecutive lines of printed have been blanked out? Shell has also issued press releases solely focussed on us which contained defamatory allegations about us.

More defamatory allegations injurious to our reputation have been made within internal Shell emails and also conveyed to third parties. I will give one example. On 31 May 2005, there was what appears to be a Shell internal email under the subject: WSJ enquiry about the Donovan's. It reported that an enquiry had been received from The Wall Street Journal about the domain name royaldutchshellplc.com and its registration by Alfred Donovan. The email goes on to reveal that the WSJ was informed that Mr Donovan had showed "bad faith" in making the registering relevant domain names. That allegation was unfounded as was confirmed by a subsequent unanimous verdict in favour of Alfred Donovan by The World Intellectual Property Organisation.

The same email also provides evidence that we have not been supplied with all information to which we are entitled. Where is the document shown as an attachment entitled RE: Donovan – Updated response? Other documents show attachments with "Donovan" in the title. We do not seem to have those items either. I have also previously mentioned in correspondence with Shell on this matter an email from Richard Wiseman to Jeroen van der Veer and Malcolm Brinded which mentioned Alfred Donovan. We not been supplied with a copy of that email.

**Returning to the subject of blanked information in documents/articles/communications containing statements injurious to our reputation, we have been advised that where the information about the data subject is inaccurate or misleading, as it undoubtedly has been on many occasions, the data subject's right to correct that information overrides the third party's right to privacy.**

**Under the circumstances, we would respectfully ask that all of the information is supplied to us again, but this time with ALL relevant information and without any blanking of names or other information. Please also supply any information which refers to either or both of us by any code name(s) now used by Shell. We would like the information to be right up to date please including any correspondence on the David Greer scandal and the Pennzoil fraud.**

If the confidentiality of Shell email addresses is an issue, please be aware that if you give me the name of any Shell employee, I will supply their email address. You did not supply us with your email address but we know the formula for creating Shell email addresses, hence this email to you. I would hazard a guess that we already in any event know the names of the individuals whose names have been blanked but we do not want to engage in guess work when, for the reasons given, we believe we are entitled to the information.

We note the content of your letter of 9 August 2007. It is a subject we will return to in due course.

Yours sincerely  
Alfred Donovan and John Donovan

