

**DPP v Bignall**

**Also known as:**

**DPP v Bignell**

Queen's Bench Division

16 May 1997

**Case Analysis**

**Where Reported**

[1997] 5 WLUK 344; [\[1998\] 1 Cr. App. R. 1](#); (1997) 161 J.P. 541; [1997-98] Info. T.L.R. 168; [1998] I.T.C.L.R. 33; [1998] Masons C.L.R. Rep. 141; [1998] Crim. L.R. 53; (1997) 161 J.P.N. 698; (1997) 161 J.P.N. 770; Times, June 6, 1997 Independent, May 21, 1997

**Case Digest**

**Subject:** Criminal law

**Keywords:** Data protection; Police officers; Hacking; Cybercrime

**Summary:** computer crime; police officers' access to Police National Computer for unauthorised purpose

**Abstract:** Police officers with authorised access to computer information were not convicted under the Computer Misuse Act 1990 for unauthorised use of that information as the Act was concerned only with preventing unauthorised access. Unauthorised use should be dealt with under the Data Protection Act 1984. The DPP appealed by way of case stated against the overturning of the respondent police officers' convictions of offences under the [Computer Misuse Act 1990 s.1](#). The respondents had, for private purposes, obtained details relating to two motor cars from the Police National Computer. The DPP maintained that the Commissioner of Police, who controlled access to the computer, gave authority to police officers to access information only for police purposes and the respondents' use of the computer to gain material for non-police purposes was therefore unauthorised. The respondents distinguished between the gaining of access, which was said to be authorised, and the admittedly unauthorised purpose of their excursion.

Held, dismissing the appeal, that the Act was concerned with the protection of computer systems and criminalised the "hacking" or unauthorised access to

computer material. It was not designed to protect the integrity of information stored on computers, which was the purpose behind the [Data Protection Act 1984](#). Whether or not the Commissioner alone was entitled to control access to the computer, the respondents' access was not unauthorised in terms of s.17(5) or s.17(2) and they were not therefore in breach of s.1. There was not a gap in the law since police officers were open to prosecution for use of the computer for improper purposes under s.5(2)(b) of the 1984 Act.

**Judge:** Pill LJ; Astill J;

**Counsel:** For the DPP: Michael Bowes. For the respondents: Peter Doyle and J Haycock

**Solicitor:** For the DPP: CPS. For the respondents: Russell Jones & Walker

## Cases Cited

### **R. v Brown (Gregory Michael)**

[1996] A.C. 543; [1996] 2 W.L.R. 203; [1996] 1 All E.R. 545; [1996] 2 WLUK 142; [1996] 2 Cr. App. R. 72; [1997] E.C.C. 105; Times, February 9, 1996; Independent, February 13, 1996; [1998] Masons C.L.R. Rep. 108; [1996] Crim. L.R. 408; (1996) 93(10) L.S.G. 21; (1996) 146 N.L.J. 209; (1996) 140 S.J.L.B. 66  
HL

### **Attorney General's Reference (No.1 of 1991)**

[1993] Q.B. 94; [1992] 3 W.L.R. 432; [1992] 3 All E.R. 897; [1992] 6 WLUK 247; [1994] E.C.C. 362; Times, July 29, 1992; Independent, July 29, 1992; (1992) 156 J.P.N. 746; (1992) 136 S.J.L.B. 197  
CA (Crim Div)

## Cases Citing This Case

### **Overruled**

R. v Bow Street Metropolitan Stipendiary Magistrate Ex p. United States (No.2)  
[2000] 2 A.C. 216; [1999] 3 W.L.R. 620; [1999] 4 All E.R. 1; [1999] 8 WLUK 57; [2000] 1 Cr. App. R. 61; [1999] I.T.C.L.R. 426; Times, September 7, 1999; [1999] Masons C.L.R. 380; [1999] Crim. L.R. 970; (1999) 149 N.L.J. 1406  
HL

R. v Stanford (Clifford)  
[2006] EWCA Crim 258; [2006] 1 W.L.R. 1554; [2006] 2 WLUK 1; [2006] 2 Cr. App. R. 5; [2006] Info. T.L.R. 189; Times, February 7, 2006; [2006] Crim. L.R. 1068; (2006) 103(9) L.S.G. 30; (2006) 150 S.J.L.B. 162  
CA (Crim Div)

R. v Bow Street Metropolitan Stipendiary Magistrate Ex p. United States (No.2)  
[1999] Q.B. 847; [1998] 3 W.L.R. 1156; [1998] 5 WLUK 202; [1998] I.T.C.L.R. 133; Times, June 2, 1998; Independent, May 15, 1998; [1998] Masons C.L.R. 234  
DC

## Legislation Cited

Computer Misuse Act 1990 (c.18)

Computer Misuse Act 1990 (c.18) s.1

Computer Misuse Act 1990 (c.18) s.2

Computer Misuse Act 1990 (c.18) s.17

Data Protection Act 1984 (c.35)

Data Protection Act 1984 (c.35) s.4

Data Protection Act 1984 (c.35) s.5(2)(B)

Data Protection Act 1984 (c.35) s.17

## Journal Articles

### **Insider unauthorised use of authorised access: what are the alternatives to the Computer Misuse Act 1990?**

Comparative law; Criminal liability; Cybercrime; Data protection principles; Fraud; Jurisprudence; Unauthorised use; United States.

I.J.L.C.J. 2016, 47(Dec), 85-96

### **Computer misuse**

Access; Authorisation; Cybercrime; Data protection.

J.P. 2000, 164(10), 179-181

### **Police officers securing access to Police National Computer for non-police purposes**

Access; Authorisation; Cybercrime; Police officers.

Crim. L.R. 1998, Jan, 53-54

**DPP v Bignall**

Access; Authorisation; Cybercrime; Police officers.

I.P. & I.T. Law 1998, 3(1), 16-17

**Computers: misuse by employees**

Authorisation; Confidential information; Cybercrime; Employees.

I.T. & C.L.J. 1998, 3, 9-11

**Data protection: life after Bignall**

Access; Authorisation; Cybercrime; Data protection; Police officers.

IT & Comm. News. 1998, 1(Feb), 7-11

**Misuse of a computer**

Access; Authorisation; Cybercrime; Police officers.

J. Crim. L. 1998, 62(1), 10-12

**Computer Misuse Act questioned again**

Access; Authorisation; Cybercrime; Police officers.

C.L.S.R. 1997, 13(4), 222

**Cannot employees also be hackers?**

Access; Authorisation; Cybercrime; Police officers.

C.L.S.R. 1997, 13(5), 352-354

**To be great is to be misunderstood: the Computer Misuse Act 1990**

Cybercrime; Employees.

C.T.L.R. 1997, 3(5), 213-215

**Computers: computer misuse and data protection**

Access; Authorisation; Cybercrime; Data protection; Police officers.

C.T.L.R. 1997, 3(5), T119-120

**Chasing your tail: the interaction of data protection and computer misuse**

Access; Authorisation; Cybercrime; Data protection; Police officers.

I.H.L. 1997, 53(Sep), 75-76

**Unauthorised use of computer data**

Access; Authorisation; Cybercrime; Police officers.

J.P. 1997, 161(30), 713

**Police**

Access; Authorisation; Cybercrime; Police officers.

L.A.L. 1997, 6, 3

**Computer misuse - unauthorised purpose**

Access; Authorisation; Cybercrime; Police officers.

N.L.J. 1997, 147(6799), 994

**Computer misuse**

Access; Authorisation; Cybercrime; Police officers.

PLC Mag. 1997, 8(6), 60

**Misuse of the police national computer: authorised use, a lacuna?**

Access; Authorisation; Cybercrime; Police officers.

Pol. J. 1997, 70(4), 358-360

**Crime reporter: computing a crime**

Access; Authorisation; Cybercrime; Police officers.

S.J. 1997, 141(23), 581

**Topics Citing This**

[Computer misuse offences](#)

**Books**

**A Practitioner's Guide to the Law and Regulation of Financial Crime 2nd Ed.**

Chapter: Chapter 4 - Online Crime and Security

Documents: Section 4.4 - Criminal legal framework

**Archbold Criminal Pleading Evidence and Practice 2022 Ed.**

Chapter: Chapter 23 - Criminal Damage and Kindred Offences

Documents: 23-87 Computer Misuse Act 1990, s.1

**Archbold Criminal Pleading Evidence and Practice 2022 Ed.**

Chapter: Chapter 23 - Criminal Damage and Kindred Offences

Documents: 23-97

**Archbold Magistrates' Courts Criminal Practice 2022**

Chapter: Chapter 34 - Offences Against Public Morals, Policy and Justice

Documents: 34-115 Unauthorised access (s.17(5))

**Arlidge and Parry on Fraud 6th Ed.**

Chapter: Chapter 22 - Encouragement and Attempt

Documents: Mens rea

**Blackstone's Criminal Practice 2022**

Chapter: Chapter B17 - Offences Involving Misuse of Computers

Documents: Unauthorised Access Offence ('Hacking')

**Encyclopedia of Data Protection and Privacy**

Chapter: Chapter 1 - Introduction to Data Protection and Privacy

Documents: 1-021 Protection of computers

**Encyclopedia of Data Protection and Privacy**

Chapter: R. v. Bow Street Metropolitan Stipendiary Magistrate, ex p. Government of the United States of America

Documents: 6-643

**Internet Law and Regulation 5th Ed.**

Chapter: Chapter 12 - Prohibited and Regulated Activities

Documents: (a) - Authorisation generally

**The Criminal Law of Scotland (SULI), Vol. 2, 4th Ed.**

Chapter: Chapter 26 - Statutory Frauds

Documents: Computer Misuse

1997 WL 1105644

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