

18th November 2014

Case Reference Number IRQ0558942

Dear

Further to our acknowledgment of 7 November we are now in a position to provide you with a response to your request for information. As we have not received your views about our suggested approach, we have handled your correspondence as a request for information about all the Data Protection concerns received about the sectors you specified.

While we have exempted the requested information under section 12, we have provided you, as advice and assistance, with information similar to what we provided you with on your similar requests submitted to the ICO over the past few months i.e. information on Data Protection concerns likely to contain IT related breaches.

Request

Your request of 21 October read:

[REDACTED]

[REDACTED]

Response

I can confirm that we hold information which falls within the scope of your request. Unfortunately we are unable to provide you with the specific information that you have requested as to do this would exceed the cost limit as set under s.12 FOIA.

Section 12 FOIA makes clear that a public authority (such as the ICO) is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the 'Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004' is £450. We have determined that £450 would equate to 18 hours work.

Firstly, it may be helpful to reiterate that some information is not

retrievable electronically, e.g. description of a breach. The information which we are able to retrieve electronically is more general. e.g. complaint about disclosure of data or accuracy of data etc.

We hold a large number of complaints about the following sectors; telecoms, estate agents and lenders. We need to check cases individually in order to provide you with the information you requested. For the telecoms sector only, we have completed 697 requests for assessment cases which we need to manually check for 2013. If we assume it will take 2 minutes to check each case, it means that we need 23 hours to check cases relating to one sector and one type of complaint only in order to establish how the information was breached.

Information provided as assistance

We have however provided you with a list of all the DPA concerns reported under the nature "disclosure of data" and "security" about the telecoms, estate agents and lenders sectors in 2013. We have also provided you with the case outcome and the name of the authority that the concern was raised about. Please see below details of the information provided.

Also provided is a list of enforcement cases about the aforementioned sectors raised in 2013. Please see below details of the information provided.

I have also included below an explanation of the case types and outcomes which I hope you find of assistance.

As explained in our previous responses to your FOI requests, we hold three case types for handling data protection concerns these are;

- Requests for assessments which, for ease of reference, we will refer to as "data protection concerns"; these are raised by individuals in relation to their personal data and are handled by our Performance Improvement Department.
- Enforcement cases and potential criminal breach cases. These are related to compliance issues which we refer to our enforcement department for investigation. These cases are either brought to our attention as self-reported breaches by Data Controllers or by third parties. On occasions we can also look at a case which was reported in the press or via a public forum.

Data Protection concerns

We searched our system for concerns reported to the ICO under the Data Protection Act (DPA) where the recorded sector was telecoms, estate agents or lenders in 2013. Under these sectors we searched for the concerns under the natures "security "and "disclosure of data" which are the natures mostly linked to IT breaches. Under the outcome, we searched for all the Data Protection concerns closed as "compliance likely "and "compliance unlikely".

Please find attached a CSV sheet showing the following information about Data Protection concerns we handled in 2013 for the telecoms, estate agents and lenders sectors:

- Name of the Data controller complained about
- Sector
- Nature; disclosure of data and security
- Outcome; compliance likely* and compliance unlikely**

*Closed –compliance likely- This is used where it is the ICO's view that compliance with DPA is likely

**Closed – compliance unlikely

This is used where it is the ICO's view that compliance with the DPA is unlikely

Enforcement complaints

We also searched for enforcement cases investigated under Data Protection Act for the telecoms ,estate agents and lenders sectors in 2013. As the nature of Enforcement cases is not automatically retrievable, we were unable to manually search each case to provide you with information on the nature of the breach. But we can say that the great majority of enforcement cases are related to security breaches.

We have provided you with a list of the enforcement cases handled about the aforementioned sectors. We have also provided you with the outcome of these cases. As you know, we do not normally make public the name of an authority who voluntarily self-reported a breach of the DPA.

Information on formal enforcement action taken about organisations in the 3 aforementioned sectors for 2013 is available via the following link [http://ico.org.uk/what we cover/taking action/dp_pecr](http://ico.org.uk/what_we_cover/taking_action/dp_pecr)

If you would like to limit your request to, for example, a named Data Controller, we may be able to provide with the information requested. However, please note that the cost of compliance can be aggregated if similar requests are submitted within 60 consecutive working days.

I hope you find the provided information of assistance

If you are dissatisfied with the response you have received and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access team at the address below or e-mail accessicoinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please visit the 'Concerns' section of our website to make a Freedom of Information Act or Environmental Information Regulations complaint online.

A copy of our review procedure is available here [http://ico.org.uk/about us/~media/documents/library/Corporate/Notices/ico_review_procedure_v9.ashx](http://ico.org.uk/about_us/~media/documents/library/Corporate/Notices/ico_review_procedure_v9.ashx)

Yours sincerely

Iman Elmehdawy
Lead Information Access Officer