

12 September 2023

IC-254335-Z9X9

## Request

*Could you please provide me with ALL working link to all ICO audits, along with follow ups, in relation to the Humberside Police DPA, SAR, FOIA and the Humberside Police Publication scheme. If you do not have a working link because you have not yet published this information could please provide the information directly to me.*

*Furthermore the iCO fined the Humberside Police for a breach of DPA (losing a sample from a woman after she was sexually abused which involved the Cleveland Police), could you please provide me with a like to what action was taken by the ICO. If you do not have a working link because you have not yet published this information could please provide the information directly to me.*

Your request, received on 23 August 2023, has been handled under the Freedom of Information Act 2000 (the FOIA).

## Response

I can confirm that we hold information in scope of your request.

We conducted a data protection audit of Humberside Police in 2018 and again in 2022.

The executive summary of each audit can be found on the archived version of our website via the National Archives here:

- [October 2018 executive summary](#)
- [May 2022 executive summary](#)

The [monetary penalty notice](#) and [undertaking](#) issued to Humberside Police can also be found on the National Archives website. Confirmation that the fine was paid can be found on the '[Civil monetary penalties, 2010-present](#)' spreadsheet on our website.

The above information is technically exempt from disclosure under section 21 of the FOIA because it is reasonably accessible to you.

The full audit and follow up reports are withheld from disclosure under section 31(1)(g) of the FOIA. This is an exemption relating to information which, if disclosed, would or would be likely to cause prejudice to our ability to regulate the laws we oversee.

Specifically, the exemption at section 31(1)(g) of the FOIA refers to circumstances where the disclosure of information:

*"would, or would be likely to, prejudice – ... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."*

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

*"(a) the purpose of ascertaining whether any person has failed to comply with the law" and*

*"(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."*

The withheld information consists of reports following audits into the data protection practices of Humberside Police. We find that disclosing this information would harm our ability to conduct such audits in the future, which are undertaken voluntarily. Data controllers would likely be reluctant to provide detailed information about their processing activities if they had concerns about such information being released to the wider public.

With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are –

- increased transparency in the way in which the ICO conducts its data protection audits;
- increased transparency in the data protection practices of Humberside Police.

The factors in withholding the information are –

- the public interest in ensuring that organisations are not deterred from participating fully in the audit process;
- the public interest in public authorities being open and honest with the ICO without fear that their engagement will be made public prematurely or, as appropriate, at all;
- the public interest in not disclosing detailed information about organisations' data protection practices, which may in turn undermine the effectiveness of those practices;
- the public interest is somewhat satisfied by the published executive summary reports.

Having considered all of these factors we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

This concludes our response to your request.

### **FOI review procedure**

If you are dissatisfied 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 [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@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 write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

### **Your information**

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are. This includes entries regarding the specific purpose and legal basis for the ICO processing

information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



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