

**Date:** 1 June 2023



Dear 

**Information request: IC-233967-F6Z7 (freedom of information request)**

Your request is as follows:


*"Please provide me with the following information:*

*During the last three years – i.e. from Jan 2020 – Jan 2023 – how many complaints have you received from Octopus Energy customers who have notified you that Octopus Energy staff have failed to comply with their requests for copies of personal data (submitted under the terms of the DPA 2018/GDPR regulations)?*

*How many of those complaints were actually investigated by the ICO?*

*How many of those complaints were closed without any ICO case number being attributed?*

*During the last five years, has any ACTION of any kind been taken, by the ICO, against Octopus Energy in respect of breaches of the statutory time-scale for responding to DSAR requests?"*

We received your request on 2 May 2023. We have handled your request as a request under the Freedom of Information Act 2000. 



## Our response

You asked: *"During the last three years – i.e. from Jan 2020 – Jan 2023 – how many complaints have you received from Octopus Energy customers who have notified you that Octopus Energy staff have failed to comply with their requests for copies of personal data (submitted under the terms of the DPA 2018/GDPR regulations)?"*

In response, in order to find this number, I have searched for complaints about Octopus Energy between January 2020 and January 2023 where we have recorded the complaint as about "Art 15(3)(1) - Provide a copy of the personal data" in our case management system. With that in mind, I can confirm that we do hold information in scope of your request and the number is 19.

You asked: *"How many of those complaints were actually investigated by the ICO?"*

In response, data protection law requires us to investigate a complaint to the extent we feel is appropriate and to inform data subjects of our decision. With that in mind, I can see all of the cases have been closed and a decision assigned to them. Therefore, all of those complaints have been investigated to an extent considered appropriate by the case officers assigned to the case.

You asked: *"How many of those complaints were closed without any ICO case number being attributed?"*

In response, all of those complaints have been assigned an ICO case reference.

You asked: *"During the last five years, has any ACTION of any kind been taken, by the ICO, against Octopus Energy in respect of breaches of the statutory time-scale for responding to DSAR requests?"*

In response, we do not hold information for the last 5 years. However, I have manually checked the complaints that we do hold to determine if they were specifically about statutory timescales. A manual check was required as we do not specifically record if the complaint is about timescales. Following these checks, I identified 22 complaints that were about timescales to respond and below is a summary of the outcomes of those cases:

<b>Outcome</b>	<b>Number</b>
Informal action taken	11
No Further Action	11

There are a number of possible outcomes to a complaint, which might include:

- Telling you the organisation has done nothing wrong;
- Logging a complaint and using it for intelligence purposes, but do nothing further;
- Telling the organisation it needs to do more to resolve your complaint or explain their position more clearly to you;
- Making recommendations to the organisation about how they can improve their information rights practices; or
- In the most serious cases, taking formal regulatory action.

Our annual reports set out outcomes to data protection complaints and reports that the vast majority of data protection complaints are resolved with either no further action or informal action taken. We do not normally take regulatory action for individual complaints as we want organisations to comply with the law without us using our formal powers. It is therefore unlikely we will take regulatory action as a result of an individual complaint. However, even if we don't take action, we will keep a record of the complaint to help us to build up a picture of how well an organisation is following the law.

This concludes our response to your request. I hope you find the information helpful.

### **Next steps**

Please come back to me in the first instance if you would like a clarification or a review of the way your request has been handled.

If you remain dissatisfied with the way I have handled your request under data protection legislation you can report your concern to the ICO as regulator via the following link here: <https://ico.org.uk/make-a-complaint/>.

You also have the right to apply to a court if you believe that there has been a contravention of your rights under data protection legislation.

### **Your information**

For information on what we do with the personal data you provide to us and what your rights are, please see our Privacy notice here:

<https://ico.org.uk/global/privacy-notice/>

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. For further details please see the following link:  
<https://ico.org.uk/global/privacy-notice/make-an-information-request/>

The length of time we keep information is laid out in our retention schedule, which can be found here:  
<https://ico.org.uk/media/about-the-ico/documents/2618419/retention-and-disposal-schedule.pdf>

Yours sincerely,



**Information Access Team**

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