

28 September 2023

IC-255582-T1H6

Request

- 1. Copies of all substantive FOI responses sent by the ICO between 1 June and 31 August 2023*
- 2. Copies of all substantive FOI internal review decisions sent by the ICO between 1 June and 31 August 2023*

Please note:

a) There is no need to send me copies of any such documents that have already been published in your DL or on the WhatDoTheyKnow website. You may exclude these.

b) By 'substantive' I mean communications which disclose requested information, or contain a refusal notice, or contain the outcome of an internal review. There is no need to send me copies of acknowledgements or of emails simply stating that the public interest test deadline has been extended.

Your request, received on 3 September 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.

At the time we received your request we held 64 responses that met our disclosure log criteria, but had not been added.¹ These responses have now all been added to the [disclosure log](#); you can filter the date range for ease of reference.

¹ Our disclosure log procedure states that it is not usually necessary to publish responses where no information is disclosed, such as: no information held, section 12 refusals, all information withheld under exemptions.

85 responses and seven internal reviews that do not meet our disclosure log criteria have been compiled and [added to the disclosure log in one post](#).

Information withheld

Some information has been withheld under section 40(2) of the FOIA because it contains personal data. We explain some of the circumstances in which we have withheld information, followed by our application of the exemption, below.

Where possible, we have redacted any personal data from documents before adding them to the disclosure log.

However, 49 responses have been withheld in full in the following circumstances:

- Some of our requests are handled as 'hybrid' cases. This is where it is not feasible to separate the personal data and FOI elements of a request. This is usually the case when an individual requests information about their own FOI complaint.
- Some requests relate to specific data breach incidents reported to us where the requester is either an affected individual or a staff member responsible for the breach. Particularly where the data controller is a small organisation and/or the incident relates to a small number of individuals, it would be possible for disclosure to identify the individual.
- Section 14 refusal notices generally contain identifying information about the requester, for example details about the requester's previous contact with us.

We have considered whether redacted copies of the above could be provided. However, the only information we would reasonably be able to provide would be the standard template information that is included in all responses.

FOIA section 40(2)

Section 40(2) of the FOIA exempts information if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation.

We find that the condition at section 40(3A)(a) applies in this instance: that disclosure would breach one of the data protection principles. The principles are outlined in the UK General Data Protection Regulation (GDPR) with the relevant principle on this occasion being the first principle as provided by Article 5(1): that personal data shall be processed lawfully, fairly and in a transparent manner.

We do not consider that disclosing this information into the public domain is necessary or justified. There is no strong legitimate interest that would override the prejudice to the rights and freedoms of the relevant data subjects. We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

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.

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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ico.org.uk twitter.com/iconews
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