

02 October 2023

Case Reference IC-255397-R6Q0 & IC-255398-L0C8

Your request

You asked us for the following:

A copy of the DPIA and Transfer Risk Assessment in relation to Twilio Sendgrid.

Where your questions satisfy the criteria of a valid information request, we have considered your request under the Freedom of Information Act 2000 (FOIA).

Our response

The relevant DPIA has been published and can be found on our disclosure log here: [IC-248699-J1F7 | ICO](#).

Please find attached a copy of the Transfer Risk Assessment. The TRA was carried out by a third party legal firm. We have redacted the names of employees under s40(2) as this constitutes the personal data of individuals.

You will see that much of the TRA has been redacted. This information attracts the exemption under legal professional privilege at section 42 of the FOIA, which states:

"Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information."

There are two types of privilege covered by the exemption at section 42. These are:

- Litigation privilege; and
- Advice privilege.

Litigation privilege covers confidential communications between the client and lawyer made for the purpose of preparing for existing or anticipated legislation. Advice privilege covers such communications when they're made for the purpose of seeking or giving legal advice. We find that the information in scope of your request is subject to advice privilege.

Section 42 is not an absolute exemption, so we must consider whether the public interest favours withholding or disclosing the information.

We will now perform this test and contact you with our decision as to whether the public interest favours the disclosure of the withheld information. Our [Request handling, Freedom of Information – Frequently Asked Questions | ICO](#) and the section 45 Code of Practice stipulate that, in most cases, it should take no more than a further 20 working days to perform the public interest test. You should therefore hear from us by 30 October 2023.

This concludes our initial response.