

## Case Outcome descriptions

### Data protection complaints

There are two main high level decisions, these are 'No further action' or 'Action taken'. You should add as much detail as possible and further guidance is detailed in the tables below.

Where high level decision is '**No further action**':

| <b>Second tier</b>     | <b>Third tier</b>                   | <b>When to use</b>  |
|------------------------|-------------------------------------|---|
| No infringement        | Good practice advice provided       | Where advice has been provided to a controller about compliance but there is no evidence of non-compliance.<br><br><i>Example: Where the organisation has complied with its obligations but best practice advice is given</i>   |
| No infringement        | No action                           | Where a data protection matter is raised but there is no infringement.<br><br><i>Examples:</i><br><ul style="list-style-type: none"> <li>• <i>Complaint is withdrawn</i></li> <li>• <i>Complaint raised but organisation has complied with its obligations</i></li> </ul> |
| No action              | Insufficient information to proceed | When we have not been provided with sufficient information to progress the complaint.<br><br><i>Example: Where there is insufficient information for us to proceed with the complaint.</i>  |
| Not information rights | Not DP                              | When the complaint is not a data protection matter.<br><br><i>Example: Complaint does not fall within ICO's remit, eg a customer service issue or request submitted isn't about personal data</i>   |
| No order made          |                                     | When no order is being considered.<br><br>This should only be used for complaints regarding S.159 of the Consumer Credit Act 1974.  |

Where high level decision is '**Informal Action Taken**':

| <b>Second tier</b>     | <b>Third tier</b>   | <b>When to use</b>   |
|------------------------|---|--|
| Potential infringement | More work for org – failed to respond to individual complaint       | For cases dealt with under the accountability principle. Where there is further work for the organisation as they did not respond to the complaint but we do not have evidence of an infringement.   |
| Potential infringement | More work for org – unsatisfactory response to individual complaint | For cases dealt with under the accountability principle. Where the organisation has provided an unsatisfactory response to the individual but we do not have evidence of an infringement.  |
| Potential infringement | More work for org – contacted to raise awareness                    | For cases dealt with under the accountability principle. Where we are making the organisation aware of an individual's complaint but we do not have evidence of an infringement.<br><br><i>Examples:</i><br><ul style="list-style-type: none"> <li>• Cases linked to a data breach</li> <li>• Cases where the organisation has advised that they have done something but the individual says they have not.</li> </ul> |
| Potential infringement | DP complaint resolved by org  | For cases dealt with under the accountability principle. Where we do not have evidence of an infringement and the complaint has already been resolved.<br><br><i>Example: Individual complains about a late SAR but the organisation has already provided a response</i>   |
| Infringement           | More work for org – failed to respond to individual complaint       | For any cases where there is further work for the organisation as they did not respond to the complaint and we have evidence of an infringement.   |
| Infringement           | More work for org – unsatisfactory response to individual complaint | For any cases where the organisation has provided an unsatisfactory response to the individual and we have evidence of an infringement.  |
| Infringement           | More work for org – contacted to raise awareness                    | For any cases, where we are making the organisation aware of an individual's complaint and have evidence of an infringement.   |

|              |                              |  |
|--------------|------------------------------|--|
|              |                              | <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>•Cases linked to a data breach</li> <li>•Cases where the organisation has advised that they have done something but the individual says they have not.</li> </ul> |
| Infringement | DP complaint resolved by org | <p>For any cases where we have evidence of an infringement but the complaint has already been resolved.</p> <p><i>Example: Individual complains about a late SAR but the organisation has already provided a response</i></p>    |

Where high level decision is '**Regulatory Action Taken**':

| <b>Second tier</b>                | <b>When to use</b>   |
|-----------------------------------|--|
| Reprimand issued                  | When a formal reprimand has been issued to the controller  |
| Advisory visit recommended        | Where an advisory visit has been recommended as the next action  |
| Compliance audit recommended      | Where a compliance audit has been recommended as the next action   |
| Enforcement Notice                | Where an enforcement notice has been issued  |
| Administrative – lower tier fine  | Where a fine has been issued – should complaints issue a fine it will likely be the lower tier of fine                             |
| Administrative – middle tier fine | Where a fine has been issued   |
| Administrative – higher tier fine | Where a fine has been issued   |
| Order made                        | Where an order has been made but a notice is not being issued. This should only be used for complaints regarding S.159 of the CCA. |
| Warning notice issued             | Where a warning notice has been issued   |