

28 September 2023

Reference number: IC-255386-K6P0

Request

You asked us: *"...I therefore make a request for the following documents:*

- 1. All correspondence and engagement with the ICO and licenced gambling operators, such as Flutter, Bonne Terre Limited and Hestview Limited (who I understand to be the organisations that are subject to the Clean Up Gambling submissions).*
- 2. All documents relating to Flutter, Bonne Terre Limited and Hestview Limited's compliance with the data protection legislation (as defined in s.3(9) DPA).*
- 3. Any engagement with government ministers relating to Operation Calder or concerning remote gambling.*
- 4. Your letter states that the ICO is considering "the misuse of people's personal information may contribute to problem gambling." Can you please clarify the scope and definitions used relating to "problem gambling". Please also confirm what approach the ICO has taken to "harm" in this context.*
- 5. Please also clarify whether Operation Calder is considering compliance with the data protection legislation more broadly or if Operation Calder is limited to "the use of targeted advertising and personal information within the gambling sector."*
- 6. The Executive team minutes from 14 December 2022 contain references to the Information Commissioner's decision to "prioritise this work". Please provide all notes, correspondence, memos etc. related to the decision to "prioritise" this work. Please also confirm what action resulted from this prioritisation.*
- 7. All documents related to the submissions made by Clean Up Gambling..."*

We received your request on 4 September 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

In relation to request 1, we can confirm that we hold some information in the scope of your request. However, searching for the information would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

This is not information we normally need for our purposes. Our case management system is unable to run a quick automated report on this type of information. To locate the information you have requested would require a manual search of 496 cases.

Having completed a test sample of five cases, we can estimate that each search would take approximately 18 minutes to complete – and it is certain that some searches would take much longer than that – this would equate to over 148.8' hours' worth of searching. This clearly exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Please note, the above figures are only focussing on request 1, however, we are satisfied that all your requests are similarly related enough to be exempt under Section 12 as they all about the same overarching theme. This means that the figures quoted above would increase as we conduct other reasonable searches to determine if other information is held.

Advice and assistance

You may be able to bring your request under the 18 hours limit by:

- Asking for information about a particular data controller or data controllers.
- Asking for information within a particular timescale.

We can also advise that some of the above requests would be responded to if they were received in isolation.

Please note, when the ICO receives requests for all correspondence with a particular data controller, or data controllers, we would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of search or whether it represents an unreasonable burden on us as a public authority. Even if the searches to complete a request will take less than the 18 hours limit, a single request can still be refused if it deemed to represent an [unreasonable burden](#).

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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