

## Email

# ICO Case Reference: IC-23...

Regarding

Worked By

Status Reason

S...

Activity Marker

Direction

◀▶

O...

◀▶

## Email

From

 ICO Casework

To

 Joseph Usher

Cc

Subject

ICO Case Reference: IC-239290-M8L3

Display Name

ICO to DC NFA

Date Received

02/10/2023 13:46

Email Address

2 October 2023

Case Reference: IC-239290-M8L3

Dear Joseph Usher

The Information Commissioner's Office (ICO) is writing to you because we have received a complaint [REDACTED] in relation to your email diversion processes and noncompliance of your GDPR obligations

**What we do**

Part of our role is to consider complaints from individuals who believe that there has been an infringement of the data protection law.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform the individual of the outcome.

**Our view**

We have considered the issues raised with us. Based on the information provided, it is our view that you have infringed your data protection obligations. This is because The Financial Conduct Authority acknowledge in your correspondence to the complainant dated 21 September 2023, that appropriate steps were not followed during FCA's application of email redirections to the complainant. You further acknowledge that the FCA was incorrect in its statement that it had complied with the GDPR legislation in relation to the redirection applied to the complainants email.

The Financial Conduct Authority also recognises that it would have been good practice for to conduct a Data Protection Impact Assessment (DPIA) on the Standard prior to its implementation and applied the Standard to your complainants email address from its inception.

We do however note that The Financial Conduct Authority have advised you that they have taken steps to rectify this matter and the email redirection has been removed. We further note the FCA has apologised and made ex-gratia payments to the complainant in relation to the facts underlying this matter.

**Further action required**

You should now take steps to improve your information rights practices. You should ensure that:

- **All staff attend mandatory training which is routinely tested and refreshed;**
  - All staff are aware of the importance of data security and reiterate the significance of following policies and procedures. Staff should be aware of their responsibilities and obligations regarding personal data confidentiality;
  - **All policies and procedures are updated and revised to reflect the new obligations placed on controllers and processors under the GDPR / DPA18;**
- You should assess any new processes and procedures that are put in place as a result of this incident and continue to monitor these over a period of time to ensure that they are effective and to prevent another occurrence of this incident in the future; and**
- **All data processed by The Financial Conduct Authority is subject to appropriate organisational and technical controls with regards to its security.**

**What we will do**

**We keep a record of all the complaints raised with us about the way you process personal information.**

**The information we gather from complaints may form the basis for action we may take in the future to ensure you meet your information rights obligations.**

**I have enclosed a copy of our letter to the complainant for your records.**

**Yours sincerely,**

**Michelle Holland  
Team Manager  
Information Commissioner's Office**


**Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK5AF**

**T. 0330 414 6694 [ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)**

**Please consider the environment before printing this email.**

**For information about what we do with personal data see our privacy notice at [www.ico.org.uk/privacy-notice](http://www.ico.org.uk/privacy-notice).**

**ATTACHMENTS**

File Name	Followed	File Size (Byte...)	
<a href="#">ICO to Customer.pdf</a>	No	88,161	
1 - 1 of 1 (0 selected)		Page 1	