

13 November 2023

IC-265565-G8H7

Request

We received your request on 20 October. You asked for the following information:

I am seeking all information held relating to the matter, below.

The source of the letter is the National Police Freedom of Information and Data Protection Unit (NPFDU), National Police Chiefs' Council, Telephone: 01489 569826 Email: npcc.advice@npfdu.pnn.police.uk who have redacted your reference.

Please provide all information giving rise to the issue being aired (I am not seeking the personal information of those associated), the exchanges referred to and any subsequent information.

Your request relates to a data protection complaint handled by the ICO regarding the sharing of the personal data of a driver by a police force following a vehicle collision.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold information within the scope of your request.

I attach copies of the information that we hold relating to this complaint. This excludes our correspondence with the complainant, which constitutes their personal data and is out of scope of your request.

Redactions have been made to personal data relating to the complainant, other third parties involved in the subject matter of the complaint, and members of staff at Sussex Police. This information is withheld pursuant to s.40(2) FOIA.

FOIA section 40(2)

You will see that some of the third-party personal data has been redacted in our response.

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 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.

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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