

11 March 2024

IC-277579-R5P7

Review of response to information request

I write further to your email of 19 February 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-277579-R5P7.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result we have conducted an internal review of our response to your information request. I am a Senior Information Access Officer in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 19 December 2023 we received a request from you which sought the following information:

1. *"Did the ICO request information from and/or investigate Grindr (full name Grind LLC) in 2018 (c. May-December 2018) in relation to its processing of sensitive and personal data through its digital app? Please provide copy documentation including a copy of the ICO's request to Grindr dated 27 June 2018.*
2. *What information did the ICO consider as part of that investigation? (please also provide copy documents)*
3. *Did the ICO investigate Grindr's use and/or processing of special category data during this period? (please also provide copy documents)*
4. *What information did Grindr provide to the ICO as part of this investigation? (please also provide copy documents including Grindr's response of 30 July 2018)*

5. *What was the outcome of that investigation? (please also provide a copy of any decision and supporting documentation, including that dated 17 December 2018)."*

On 22 January 2024 we responded by advising you that we do not hold the information you are seeking, and providing a link to our retention schedule.

In your request for review you provided the following additional context:

"Our freedom of information request dated 19 December 2023 requested information and documents related to an ICO enquiry made to Grindr LLC in 2018. The ICO case reference number for the original matter is RFA0742872.

On 8 March 2021, Grindr issued a response to the Norwegian Data Protection Authority (page 55) in connection with a separate regulatory review, which made reference to:

- *The ICO's request for information to Grindr dated 27 June 2018;*
- *Grindr's response dated 30 July 2018; and*
- *The ICO's decision "that no further action is necessary at this stage" dated 17 December 2018."*

Review

Following your request for review I undertook further electronic searches of our records using the additional information you provided, and contacted individuals who were involved in the investigation which you are interested in.

Following these searches I can confirm that we do not hold the information you were seeking in your request of 19 December 2023.

As noted above I have been in contact with individuals who were involved in the investigation you are interested in. Although we do not hold recorded information they were able to provide some anecdotal information. They recall that the investigation was closed in December 2018. It is understood that the processing examined related to third party access to data which occurred before the General Data Protection Regulations took effect in May 2018, and would therefore have been considered under the Data Protection Act 1998. As we no longer hold a record of the case, we do not hold specifics of the matters examined, however, it is understood that Grindr has taken steps regarding data protection compliance matters in the interim. As we no longer hold the information these recollections are provided as advice and assistance as they may be of interest to you.

In your request for review you ask us to identify the relevant sections of our [Retention and Disposal Policy](#) for this type of information. The current version is available on our website and you can see on page 30 at point 9.3 that where a Civil Enforcement case has been undertaken where no action was taken as a result of the investigation the retention period is 3 years, after which the information should be destroyed. It may also help to explain that the retention period for this type of information was 2 years, up until September 2023, when it was extended to 3 years. This is set out on page 15 of the document.

For the reasons set out above, I consider that our response to your request was compliant under the legislation and therefore your review is not upheld.

Complaint procedure

If you consider that your request for personal data has not been dealt with correctly under data protection legislation, you have a right of appeal to this office in our capacity as the statutory complaint handler under the GDPR and Data Protection Act 2018.

To make such an application, please write to our public advice and data protection complaints department at the address below, or visit the '[Make a complaint](#)' section of our website.

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely