

17 January 2023

IC-210104-R2W9

Request

On 11 January 2023 you asked for the following information: *"What happens if a data controller fails to adhere to the action plan of a reprimand? Has this ever happened?"*

To the extent that this constitutes a request for information we hold, this 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.

Response

The recommendations we make in reprimands are advisory.

We do follow up to see what steps data controllers have taken following issuance of reprimands. Data controllers are asked to provide updates at three, six or nine month intervals depending on the technicality and volume of recommendations made. You can read the recommendations we have made in our published reprimands here: <https://ico.org.uk/action-weve-taken/reprimands/>

If a data controller failed to implement our recommendations, we would not take immediate regulatory action. However, if a subsequent data protection breach were then to occur in relation to the same issue, failure to implement recommendations could be counted as an aggravating factor during the course of our investigation, and could potentially increase any penalty.

We are not aware of any instances thus far in which a data controller has failed to implement recommendations. We therefore do not hold information in scope of your request.

This concludes our response to your request.

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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