

13 April 2023

## **IC-221954-Z9D7**

### **Request**

We received your request on 17 March. You asked for the following information:

*"1) Please provide a copy of the framework you have referred to in your response. I have quoted it below: "The severity and impact of data breaches is assessed using a general framework which is not specific to the circumstances of the breach and allows for assessment on a case-by-case basis."  
2) In consideration of your response, please can you provide the names of the bodies with regulatory remit in relation to the below which I have quoted below: "Additionally, the ICO does not regulate the processing of personal information by a person, court or tribunal acting in a judicial capacity. Such processing is overseen by other bodies with regulatory remit over those acting in a judicial capacity.""*

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. Please find attached a copy of our guidance document entitled "Assessing breaches- in depth guide" which is the framework referred to in your request.

By way of background, this document is an internal training guide which is one of a number of ways we familiarise new staff in how to exercise their judgement when assessing breaches.

As part of [ICO25](#), we have an aim of increasing regulatory certainty, and it is therefore important to note that the outcome of any breach report submitted to the ICO cannot be predetermined by reference to this guidance.

For example, the section 'if there has been a delay in reporting this breach, please explain why' gives some quite detailed examples about what may or may not be acceptable. This is not an exhaustive list and it may be that, in taking regulatory action, the ICO would take a different view on how these factors are weighted.

In answer to your second question, the processing of personal data for judicial purposes in England and Wales is overseen by the Judicial Data Protection Panel on behalf of the Lord Chief Justice of England and Wales and the Senior President of Tribunals, you can find more information about this [here](#).

The processing of personal data for judicial purposes in Scotland is overseen by the Data Protection Supervisory Judge, more information about this can be found [here](#).

This information is technically exempt under s.21 of the FOIA as it is publicly available.

### **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](mailto: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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