

5 May 2023

Our reference number: IC-225940-Z2Y5

Request

You asked us: *"We seek details of the investigation and outcome (including any recommendations or action taken) in respect of a data breach that occurred on the 14th April 2021 The party involved in the data breach is Trescal Limited"*

We received your request on 6 April 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

Having searched our records, we can confirm we hold some information in the scope of your request.

The ICO has not conducted an investigation into this data breach so we do not hold any investigation details.

We can confirm that, after considering the data breach, a letter was sent to the data controller.

This has been withheld under section 44 of the FOIA.

Section 44(1)(a) states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result the information is exempt from disclosure.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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