

2 June 2023

## Case Reference IC-233498-K2D9

### Request

You asked us for:

*"1. How many complaints have been received against the Ministry of Justice since the imposition of the Data Protection Act 2018 on May 25th 2018?*

*2. Of these, how many were upheld?*

*3. If this can be done within the required costs limit, please can these complaints be provided as to the complaint matter, i.e failure to provide information, loss or destruction of information, non-compliance with Data Protection Act part 3 or the GDPR. As I am sure you are aware, there is a difference between the GDPR and part 3 of the Data Protection Act which covers law enforcement Data. Or any other manner that this information can be imparted within the costs and time limit."*

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

### Our response

We have searched our systems using the information you have provided and have found some information within the scope of your request.

Please be advised that records held by the ICO are regularly disposed of in line with our [Retention and Disposal Policy](#). Complaint records are usually held for two years. This means that some of the information you requested has been erased in line with this policy.

The oldest complaint record the ICO holds regarding the Ministry of Justice (MoJ) dates to 3 July 2019. This means that for the purpose of the FOIA, no

information is held for MoJ data protection complaints between 25 May 2018 and 2 July 2019.

The information provided below includes MoJ data protection complaints between 3 July 2019 and 18 May 2023 (the date of your request).

Information that is no longer held by the ICO may be available through [The National Archives catalogue of ICO information](#).

We will respond to each of your queries in turn.

- 1. How many complaints have been received against the Ministry of Justice since the imposition of the Data Protection Act 2018 on May 25th 2018?*

Between 3 July 2019 and 18 May 2023, the ICO received 1498 data protection complaints regarding the MoJ.

- 2. Of these, how many were upheld?*

The ICO does not close complaint case as 'upheld' or 'not upheld.' Instead, complaints are closed as 'action taken,' 'information action taken,' 'no further action,' or 'unassigned.' These each also have secondary closure reasons.

Please find on the next page a chart showing the number of each case outcome regarding MoJ data protection complaints, by year.

In the context of this chart, 'DP' refers to 'Data Protection,' and 'org' indicates the data controller.

Count of CaseReference Row Labels	Column Labels					Grand
	2019/20	2020/21	2021/22	2022/23	2023/24	Total
<b>Informal action taken</b>	<b>7</b>	<b>254</b>	<b>197</b>	<b>154</b>	<b>12</b>	<b>624</b>
<b>Infringement</b>	<b>2</b>	<b>32</b>	<b>47</b>	<b>61</b>	<b>6</b>	<b>148</b>
DP complaint resolved by org	2	6	10	20	1	39
More work for org - contacted to raise awareness of ind complaint		9	19	18		46
More work for org - failed to respond to ind complaint		7	9	10	1	27
More work for org - unsatisfactory response to ind complaint		10	9	13	4	36
<b>Potential infringement</b>	<b>5</b>	<b>222</b>	<b>150</b>	<b>93</b>	<b>6</b>	<b>476</b>
DP complaint resolved by org			6	4		10
More work for org - contacted to raise awareness of ind complaint		30	39	20		89
More work for org - failed to respond to ind complaint		13	67	44	6	130
More work for org - unsatisfactory response to ind complaint	5	179	38	25		247
<b>No Further Action</b>	<b>10</b>	<b>166</b>	<b>337</b>	<b>291</b>	<b>10</b>	<b>814</b>
<b>No action</b>	<b>4</b>	<b>78</b>	<b>259</b>	<b>229</b>	<b>7</b>	<b>577</b>
Insufficient information to proceed	4	78	259	229	7	577
<b>No infringement</b>	<b>6</b>	<b>71</b>	<b>73</b>	<b>49</b>	<b>3</b>	<b>202</b>
Good practice advice provided	3	22	7	3		35
No action	3	48	66	46	3	166
Unassigned		1				1
<b>Not information rights</b>		<b>17</b>	<b>5</b>	<b>13</b>		<b>35</b>
Not DP		17	5	13		35
<b>Unassigned</b>	<b>1</b>			<b>12</b>	<b>47</b>	<b>60</b>
<b>Unassigned</b>	<b>1</b>			<b>12</b>	<b>47</b>	<b>60</b>
Unassigned	1			12	47	60
<b>Grand Total</b>	<b>18</b>	<b>420</b>	<b>534</b>	<b>457</b>	<b>69</b>	<b>1498</b>

*3. If this can be done within the required costs limit, please can these complaints be provided as to the complaint matter, i.e failure to provide information, loss or destruction of information, non-compliance with Data Protection Act part 3 or the GDPR. As I am sure you are aware, there is a difference between the GDPR and part 3 of the Data Protection Act which covers law enforcement Data. Or any other manner that this information can be imparted within the costs and time limit.*

Please find below a chart showing the legislative reason for each data protection complaint submitted regarding the MoJ between 3 July 2019 and 18 May 2023.

Row Labels	Count of CaseReference
Art 15 - Right of access	365
Art 15(3)(1) - Provide a copy of the personal data	158
Prt 3 - Ch3 - S45 - Right of Access	156
Art 5(1)(f) - Integrity and confidentiality principle	113
Art 32 - Security of processing	105
Prt 3 - S45(1)(b) - Access to PD	99
Art 16 - Right to rectification	68
Prt 3 - Ch 2 - S40 - Security Principle	68
Unassigned	51
Art 5(1)(d) - Accuracy principle	47
Art 5(1)(a) - Lawfulness, fairness and transparency principle	33
Prt 3 - S38(1)(a) - Accurate & kept up to date	29
Art 6 - Lawfulness of processing	25
Prt 4 - Ch2 - S91 - Security principle	23
Art 5 - Principles relating to processing of personal data	20
Prt 3 - Ch 2 - S38 - Accuracy principle	19
Prt 3 - Ch3 - S46 - Right to Rectification	14
Prt 4 - Ch3 - S94 - Right of access	10
Prt 3 - S46(1) - DC must rectify inaccurate PD	9
Sch 2 - Prt 2 - Pr 14 - Judicial appointments, independence and proceedings	8
Prt 4 - S91(1) - Appropriate security measures	8
Prt 3 - Ch3 - S47 - Right to erasure or restriction	7
Prt 4 - Ch2 - S89 - Accuracy principle	6
Art 6(1)(a) - Consent	5
Prt 4 - S94(1)(b)(i) - Copy of PD	4
Prt 3 - S35(1) - Fair and lawful processing	4
Sch 2 - Prt 1 - Pr 5 - Info required to be disclosed by law/legal proceedings	4
Art 17 - Right to erasure	4
Prt 3 - Ch 2 - S35 - Fair and lawful processing principle	3

Art 15(1)(d) - Retention period/criteria	3
Prt 3 - S45(3)(b) - Within one month	3
Art 15(1)(g) - Source of personal data	2
Art 21 - Right to object	2
Art 17(1) - Right to erasure	2
Art 37 - Designation of the data protection officer	1
Prt 4 - Ch2 - S86 - Fair and lawful processing principle	1
Prt 3 - S47(1)(a) - Erase where non-compliant	1
Prt 3 - Ch3 - S49 - Automated decision making	1
Art 14(2)(g) - Automated decision-making	1
Art 12(3)(1) - Within 1 month	1
Art 14(1)(c) - Purposes of processing and legal basis	1
Art 13 - Information to be provided when collected from DS	1
Prt 3 - S47(4) - DS can request erasure or restriction	1
Sch 2 - Prt 4 - Pr 24 - Confidential references	1
Art 14 - Right to be informed	1
Art 15(1)(a) - Purposes of the processing	1
Art 33(1) - Obligation to inform supervisory authority	1
Prt 3 - S45(3)(a) - Without delay	1
Art 15(4) - Rights and freedoms of others	1
Prt 3 - Ch 2 - S39 - Storage limitation principle	1
Art 15(1)(f) - Right to lodge a complaint	1
Art 18 - Right to restriction	1
Art 15(1) - Confirmation of processing	1
Prt 3 - S38(1)(b) - Reasonable steps to ensure accuracy	1
Art 17(1)(c) - Objection	1
<b>Grand Total</b>	<b>1498</b>

We hope this information has been useful to you.

This concludes our response to your request.

### **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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