

19 May 2023

Case Reference IC-232690-L3B5

Your request

You asked us for the following:

"Please limit the investigation to 50 of the most recently completed Art 17 complaints against Google, or as many as the time budget will allow you to manually research.

Please address as much of the information requested relating to Google reinstating links after they have previously delisted them."

The above constitutes a refinement of your request IC-223059-Z9X0 which was refused under section 12 of the FOIA.

Where your questions satisfy the criteria of a valid information request, we have considered your request under the Freedom of Information Act 2000 (FOIA).

Our response

We have performed a reasonable manual search of the 50 most recent Article 17 complaints about Google UK Limited. Please note, our [online guidance](#) specifies that a public authority does not "have to do the work covered by the estimate..." We have therefore ceased our search at 50 cases.

The search focussed on information completed in our [Internet search results](#) concerns form. This, of course, can only be based on information clearly provided by complainants.

Based on this search, we have been able to identify two cases of the 50 in which it was clearly reported by the complainant that Google had delisted and then relisted personal data. Owing to the fact that only a small number of requests meet the description of the cases you're interested in, we have provided some descriptions about the case subject matter. However, we must advise that under normal circumstances we're not obligated to create new information in response to satisfy a request and we cannot guarantee that we can provide this detail if there were more cases in scope of future requests

One complaint, IC-215833-H5D0, was closed with 'no further action'. This was because the complainant had not sufficiently

exhausted the complaint process with Google directly. We advised the complainant on 27 April 2023 on how to raise the matter directly with Google.

In conclusion to the second case, IC-206691-R3Y5, the ICO took informal action and wrote to Google on 23 February 2023 advising them to review their handling of the complainant's request to delist their personal data and provide the complainant with a valid lawful basis for continuing to process their personal data. This to be done within 14 days.

In due course, these complaints will be published in our [Data protection complaints datasets](#), providing general information. Such information as will be published is therefore exempt under section 22 of the FOIA. I will explain this exemption below this response.

However, any further information not provided above or in the datasets is exempt from disclosure under section 40 of the FOIA as it constitutes the personal data of the complainants which it would be unfair to disclose.

Section 22

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

*"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."*

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

In this case, the public interest factors in favour of disclosing the information are:

- to promote openness by providing information about organisations where complaints have been received about their compliance with information rights legislation.

The factors in favour of maintaining the exemption are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant data sets which will include some of the requested information in the near future.
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests we receive would not be an efficient use of resources when we intend to publish this information in due course.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we consider it reasonable in the circumstances to withhold this information under section 22 of the FOIA.

This concludes our response.

We hope you find this information helpful.