What We Do

The main work the Information Access Team is responsible for is providing responses to information requests on behalf of the organisation. This includes

- All individual rights requests made under data protection legislation, such as Subject access requests, commonly referred to as SARs, erasure requests, and rectification requests
- All Freedom of information requests made under the Freedom of Information Act 2000, known as FOI requests, and requests made under the Environmental Information Regulations 2004, known as EIR.
- Information requests from other bodies, such as the Police or other regulators or in response to court orders

– these are known as data sharing agreements.

- The Information Access Team also oversee proactive disclosures of information. This includes recommending that certain information which is regularly requested is made available on the website on an ongoing basis. This includes our complaints and concerns data sets.

We're just going to run through the types of request you may receive in the course of dealing with DP complaints and what they might look like.

The most common are requests for personal data under Article 15. These are received on a frequent basis from complainants for information held on their complaint cases. On the screen is an example of the type of requests that we receive regularly that should be dealt with under article 15.

It does not matter whether the data subject references a SAR or article 15, we must treat it as a SAR if they ask for information which is their personal data.

In some cases they may specifically ask for their personal data, but usually they will ask for specific pieces of information that they want to see. We generally consider information held on a DP complaint case to be the personal data of the data subject, so if they request any information held on their case, it should be referred to Information Access to handle as a SAR.

The exception would be if the complainant has only asked for copies of their own correspondence, you can provide this to them in the normal course of business.

Requests for rectification are also frequently received in respect of data protection complaint cases.

The GDPR does not give a definition of the term accuracy. However, the Data Protection Act 2018 states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact.

All requests of this nature should be referred to IA, whether you believe there is any factual inaccuracy or not. This is so that we can demonstrate that the request has been dealt with impartially. However if you have information that can help us to deal with the request, i.e. you know that an error has been made, please include this information with your referral.

If a factual error has been made in a piece of correspondence that has been sent, we would need to keep the incorrect copy as a record of what has been sent out, but send out a correction.

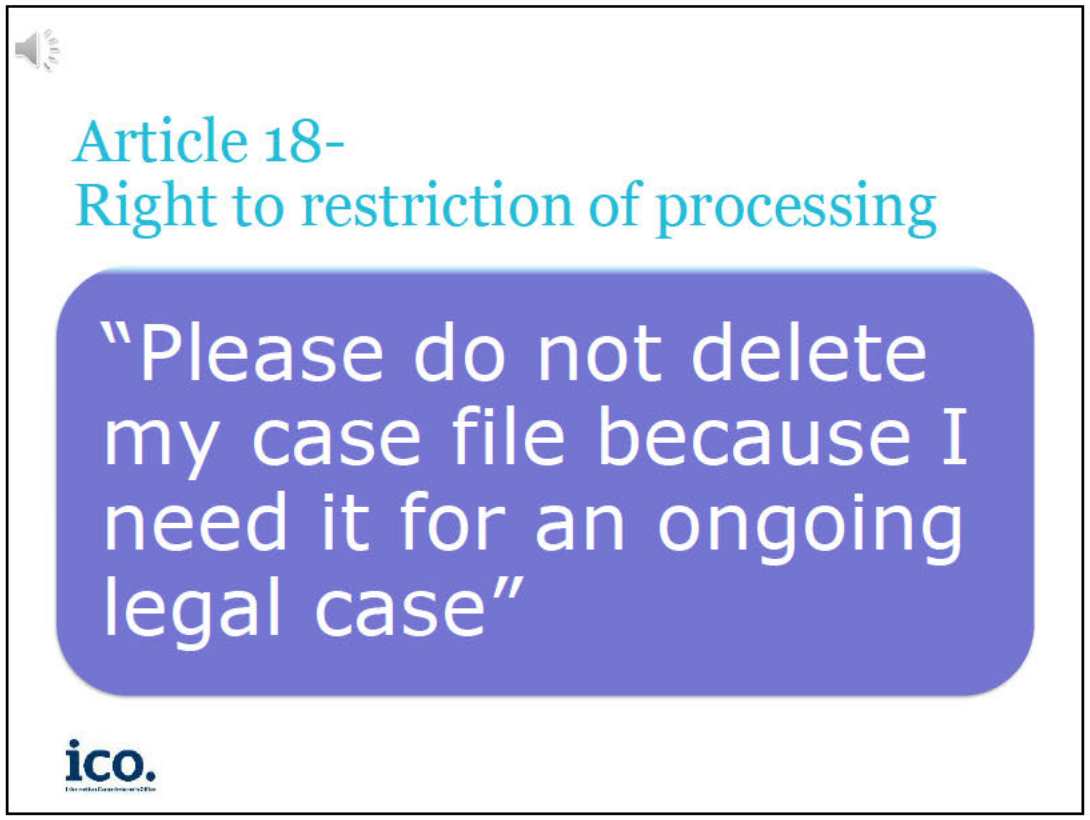
In some cases the complainant may simply disagree with your decision, which is not an error of fact. However if they do ask for this to be rectified or invoke Article 16 in respect of this you should refer it to IA so that we can deal with it formally.

Sometimes we will receive requests for erasure, or article 17 requests. Again, we do receive these fairly commonly.

As with all information rights requests, the DS does not need to cite the legislation for the request to be valid.

Any request for deletion of information which is the personal data of the DS (so usually anything you hold on their complaint case) should be referred to IA to process under Article 17.

We will not usually delete information that we hold which is relevant to a complaint where we have done any work on the case, but IA will consider each case in terms of whether we have a need to retain the information and how this balances with any reasons provided by the DS as to why the information should be deleted.

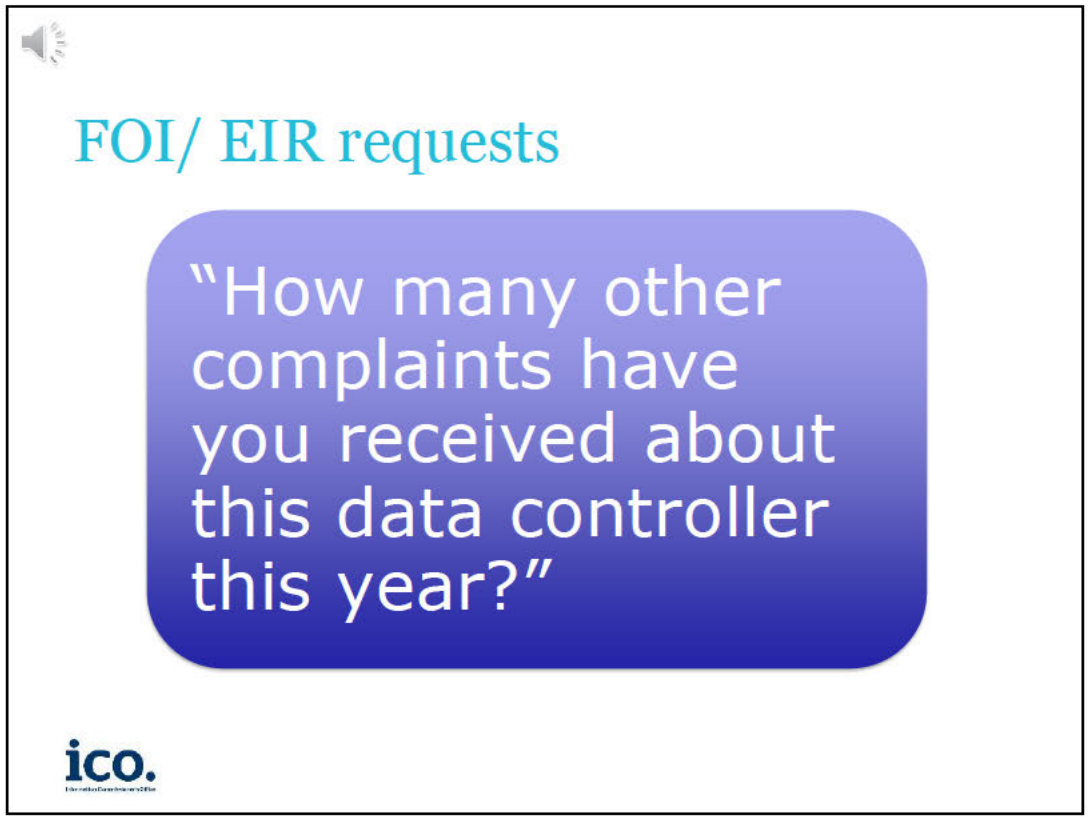


We occasionally receive requests that fall under Article 18. Article 18 entitles data subjects to request the restriction of processing. An example of this type of request can be seen on screen.

It is important to recognise that in requests such as this example, the 'processing' in question can include the scheduled deletion of a case file under our retention schedule.

We may also receive requests for us not to take any further action on a case while an erasure request is being considered.

We will consider these on a case by case basis taking into account the reasons provided by the DS. Again it is important that all requests of this nature are referred to IA to be handled under Article 18.



You may also receive requests under FOI/EIR while dealing with casework.

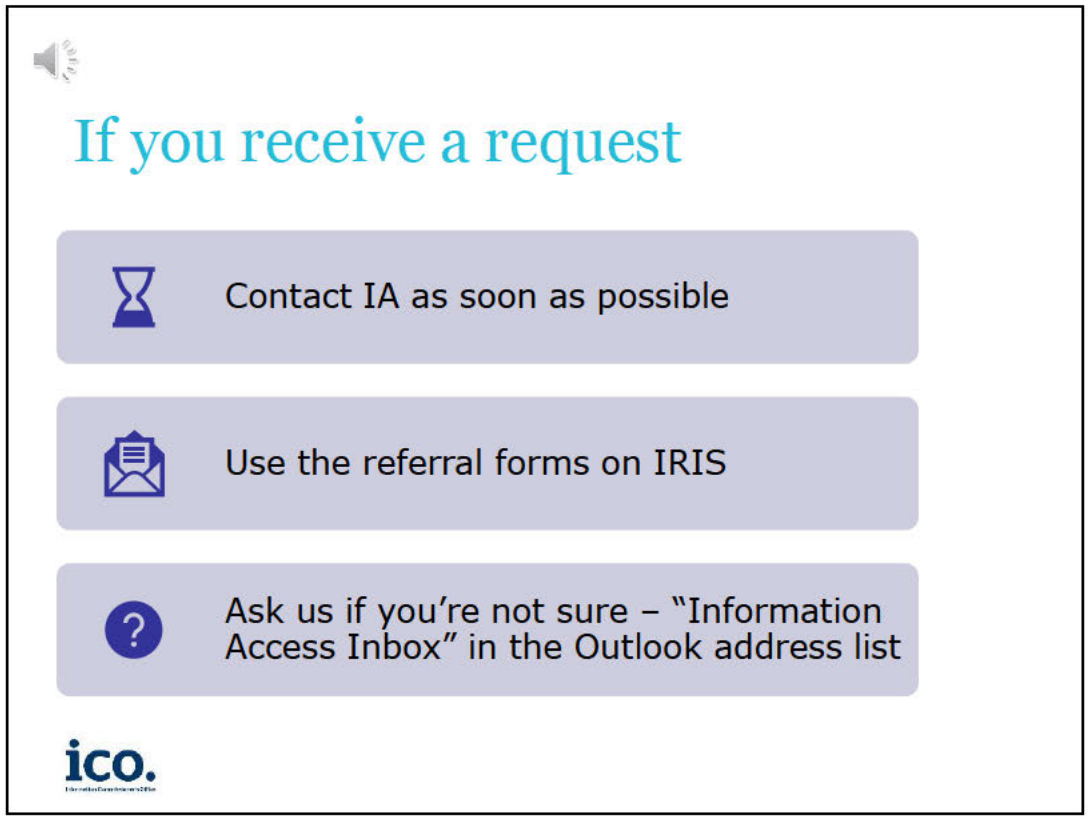
Any request for recorded information held by the ICO is subject to FOI and should be handled accordingly.

The example on the screen is a typical FOI request you might receive which should be passed to IA to handle.

Some requests, such as for policies or basic case handling information that PADPCS would usually provide to complainants as part of the complaints process can be handled in the normal course of business, even if the requester quotes the Freedom of Information Act. Additionally, any requests for information that is already in the public domain, such as policies available on our website do not need to be passed to IA, because information already in the public domain is exempt from the FOIA. Your managers will be able to assist you with identifying when this is the case. The information in our FAQs on our IRIS page can also help with this.

Outside of this, all requests for recorded information that we may hold,

whether the FOIA is quoted or not, should be passed to IA to handle under FOI.



It's important to remember that everyone at the ICO is responsible for our compliance with the legislation we oversee. This means that there are certain things we would ask you to do to assist Information Access in providing timely responses to requests. We have a target of 100% compliance for information requests and we need the support of the whole organisation to be able to achieve this.

Information rights requests are frequently received in the process of handling complaint cases so it's important that you know what to do with them.

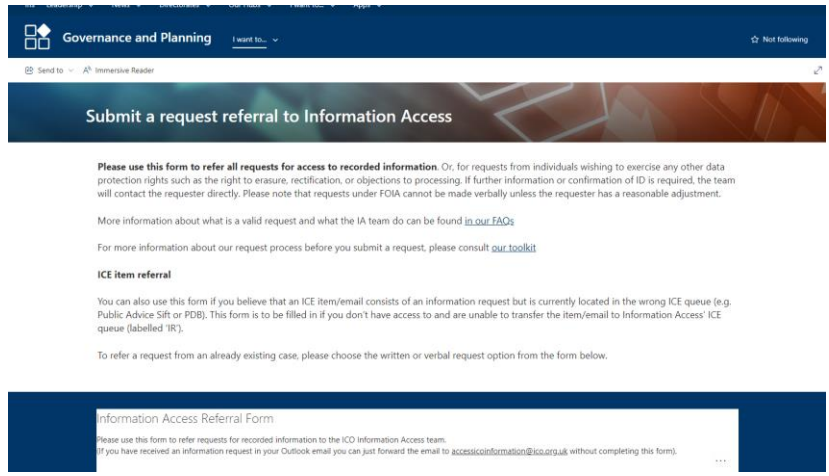
If you receive a request, the most important thing to remember it to contact IA as soon as possible.

The timescales allowed for a response are laid out in the legislation and the clock starts ticking as soon as the ICO receives the request.

We have 1 calendar month to respond to individual rights requests made under data protection legislation and 20 working days to respond to FOI and EIR requests. These are tight deadlines so the sooner IA receive the request the better.

Individual rights requests under data protection legislation can be taken verbally, as can EIR requests. Requests for information made under FOIA must be made in writing unless there is a reasonable adjustment in place.

Referring a request



You can refer requests to IA using the referral form on IRIS. Click on 'I want to' and choose 'submit a request referral- this will take you to the page on screen which has the referral form further down.

Using the referral form ensures we have the information we initially need to set up a case.

If you're not sure whether something should be handled as a request please contact IA. We have a team inbox which is monitored and also group emails for the IA managers and the IA Senior Information Access Officers. We are always happy to discuss potential requests to ensure we make progress with them as quickly as possible due to the timescales outlined previously.

The request referral page also has our FAQs which can assist you in determining whether a request needs to be referred to IA.

s.132 Data Protection Act 2018

132Confidentiality of information

(1)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.

ico.

You should keep in mind at all times that s.132 DPA prohibits disclosing any information provided to us by a data controller in the handling of a complaint case to any person, including the data subject.

This means that you should not provide copies to data subjects of correspondence from, or telephone notes relating to, data controllers under any circumstances. Please also note that you should not read these out to data subjects over the phone.

IA should handle all requests where such information is concerned, as we follow a process which includes consulting with the data controller to seek their consent to disclose their information, and if we obtain this we can then disclose the information without breaching s.132.

This does not prevent you from sharing information with complainants about what the data controller has told you in response to a complaint to the extent that you need to in order to deal with the complaint and is appropriate in the circumstances. Standard casework handling procedures used by PADPCS provide further guidance about what you should and shouldn’t share with each party to a complaint.

Case management

Keep case files tidy, up to date and appropriately labelled

When we receive a request for information held on a complaint case file, we will usually assume that all of the information about the case is on the file on ICE. You should make sure this is the case when referring a request to us, and if for any reason any information is held elsewhere, you should let us know this when you refer the request.

It is helpful for us if you keep files you are working on tidy, up to date, and with items of correspondence accurately labelled so that if we do receive a request it will be easy for us to find the relevant information.

It is very important however that you do not remove or change information once you are aware that a request has been made. This is technically an offence. You can update the case labelling so we can find correspondence more easily and if anything on the case is unclear or hard to find it is helpful if you can let us know.

Personal data of ICO staff

Names and work contact details are generally disclosed for most staff

According to our policy, names and work related contact details such as phone numbers and email addresses are disclosable for the majority of staff in roles which are either public facing or senior. This includes Case Officers, Senior Case Officers etc.

The exception to this are staff in job roles which are neither public facing nor sufficiently senior that they would reasonably expect their details to be disclosed. Examples of this are IT help and facilities staff.

In some cases there may be exceptional circumstances meaning that it would not be appropriate to disclose staff details where we normally would such as where there are safety concerns relating to a specific requester. If you believe this to be the case please do let us know.

Where information is included which is not work related,

such as related to maternity leave, childcare or holiday, we are happy to withhold this.

Thank you for listening. If you have any questions, you can email the information access inbox at accessicoinformation@ico.org.uk and we'll be happy to help.

Public Advice & Data Protection Complaints Services (PADPCS)

Overview
March 2023

ico.
Information Commissioner's Office

It's best to imagine these two functions as one – as we will be encouraging you to handle complaints over the phone where possible, similar to our enquiry work. As part of recent ICO25 discussions, we want to join up our enquiries and complaints activity a little bit more, as they were previously quite separate (two separate departments, in fact). We won't be joining them up 100% but a little bit more than we do at the moment. The reason behind this is that it will help us to become more proactive and effective when dealing with issues that come to us, because its easier to have an impact when issues are new.

There's a complete list of the sectors in your Welcome Packs. It probably won't mean too much to you at the moment, but will become relevant in your case create training, for example…

Case creation - what you will work on first

Your first task at the ICO is to learn how to create cases. Once these cases are created, they are handled by our casework teams. You will eventually be doing this casework as well.

1) You will be creating cases on our case management system, ICE360. You will need to identify who the complainant is and identify whether they are bringing this complaint on their own or acting on someone's behalf.

2) You will also identify the organisat on who is being complained about, this could be a public authority, charity, business or even a sole trader.

3) You will set the case up, ensuring supplementary information is entered correctly and creating more and more cases as you build your confidence.

ico.

The reason we train you on this initially is because it will improve your command of ICE360, and so that you can see a broad range of the type of correspondence we receive – so, it's a good introduction to the work we do.

1) We often get solicitors making complaints on behalf of their clients and or family members/husbands/wives acting on behalf of the data subject.

What does casework involve?

Casework usually involves an individual (known within the legislation as the 'data subject') writing to us with a data protection complaint. As this individual is using our services, we refer to this individual as our customer.

1) The individual first needs to demonstrate they have raised their complaint w th the organisat on, giving them an opportunity to respond/put things right.

2) If the individual is unhappy with the response, they are ent tled to bring their complaint to the ICO for us to look at.

3) We will then consider the informat on provided by the customer, which usually consists of detail of their complaint and copies of correspondence between them and the organisation, and decide what assistance we can provide. We will then provide our outcome which may include suggestions for improvement for the organisation.

Our outcomes should be helpful and easy to understand, rather than making technical decis ons about compliance. They should also be short and focus on recommending improvements. Our role is not purely to decide whether there's been an infringement of the law, although t is something we consider.

Bullet points 1-3: There may be some instances in which an individual would not necessarily need to raise their complaint with the organisation for us to handle their concern appropriately, ie where we can see there is little more that the organisation can do to resolve the complaint eg in relation to a security incident. Under ICO25, we can be more flexible with how we deal with complaints, meaning that we might be able to advise appropriately without all of the evidence we might ask for if we were to give a technical outcome, under our old ways of working.

Bullet point 4: Under ICO25, if there has been an infringement of the legislation - it's all about the "so what?" or "What's next?". Under our previous ways of working, we might say "yes, there's been an infringement of the legislation, but we won't be taking any further action" which can ruffle some feathers. We want to start saying "this is what's happened, we are aware of it and we are taking it into consideration, here's our decision about what's next"

What does casework involve?

You will learn what the UK GDPR & DPA does and doesn't allow organisations to do w th personal information. You will also learn the rights of individuals under the legislation.

For some cases, you will be able to complete them quickly as the informat on that the customer provides will be sufficient.

For other cases, you may need more informat on from the customer and/or the organisation to understand what has occurred. When necessary, we may also need to request copies of informat on or policies held by the organisation and consider those in relation to the concern.

We'd encourage you to discuss matters over the phone w th one of/both of the parties where appropriate, as ts often quicker and a better customer experience. They may need assistance or clarif cation in order to bring matters to a conclusion, so a quick phone call is often best.

Trainer examples of when why might/might not call customer and/or organisation. E.g. with customer:

- To quickly resolve their complaint
- To understand their complaint more
- To ask further questions to determine if its something we can help with

With organisation:

- To give compliance advice
- To ask for their perspective on a situation

What happens when we complete a case?

If we are happy with the way the organisation has handled matters, we can explain why this is to the customer only (if we have not had to contact the organisation), or to both parties if we have already contacted the organisat on.

We will look to give a clear, short, and snappy outcome wherever possible. This might be by telephone.

On some occas ons, we will explain why we're satisfied with the issue raised in a way our customer will understand. We will only refer to DPA/UK GDPR, explaining which parts have been complied with, when it's necessary.

If the customer remains unhappy with the circumstances of the case, they are entitled to pursue their own action through the courts.

If they feel we haven't handled the case properly, we have an internal procedure for that. However, we should be confident when we dec de that we are not taking further action and we should look to explain this in a way our customers understand and accept.

What happens when we complete a case?

If it appears the organisation has failed to comply with the DPA/UK GDPR, we will advise both parties accordingly, focussing on recommending improvements.

Where we dec de that we aren't going to take any further action, if the case does not meet the criteria set out by our Regulatory Action Policy, we want to feel confident about that and explain it in ways people can understand and accept.

We will pursue a complaint as far as is appropriate by cons dering the "2 V's" threshold.

We then keep a record of what has happened and keep any eye out for any similar cases.

Depending on the severity of the issue, we may take further action – this is where we may pass the case over to our Investigations department, or we can take our own enforcement action in this department.

What can further action include? Further action is not just fines, there are multiple different avenues. More recently: Action taken against SEVEN organisations who failed in their duty to respond to information access requests | ICO – Operation Roden.

There is currently discussion surrounding our department having more involvement in enforcement action, rather than cases being snapped up by other departments.

Next steps on a case could be:

Under ICO25, we will be looking to work more closely with other complaints handlers and ombudsmen to enable issues to be resolved in one place, without unnecessary handoffs. Give examples.

Data protection is often part of a broader issue, or a broader complaint.

What are the 2 V's? we'll touch on it briefly today, but we will build on it further detail in casework training. The 2 V's stand for "valuable" and "vulnerable"

Some important things from our corporate narrative to remember:

We're an independent and proportionate regulator – there's no 'one size fits all' approach

We understand the potential impacts of different regulatory approaches, including economic impacts, and consider these before deciding on a course of action

We use the tools we have and take when we need to. Where we see complaints that merit the use of our powers, we're comfortable using them.

However, if we can achievement our objectives without enforcement, we will.

Live Chat & Enquiries

In addition to our helpline service, we also provide advice on our live chat service, and by responding to written enquiries we receive.

Like on our helplines, our live chat serv ce receives a variety of contact, most of which will either be prov ding advice on a range of information rights issues or discussing someone's indiv dual concern in more detail.

Written enquiries, which we aim to respond to within seven days of receiving them, come in a number of forms.

Some individuals want help in setting up a data protection complaint with us, some are from individuals who wish to provide intelligence to the ICO on a wider data protection issue they are aware of, and others are seeking answers on a variety of questions surrounding how their data should be used. This is another tool to help develop your wider knowledge of the legislation and the way we work.

We also operate a livechat service, so you will have seen the range of issues our customers contact us about – whether it be providing advice on info rights issue or discussing an individual concern in more detail, or want help complaining to us or providing intelligence.

What is a typical day as a Case Officer?

Each day is different and will require you to use a variety of different skills.

When you start, you will be creating cases and learning our helpline process. You will have to correctly dentify the organisation involved, and whether any issues need to be flagged.

You will look at cases and enquiries and dec de how we take them forward.

When working on our live services, you will develop your telephone skills, discussing issues with our customers, providing advice on a variety of issues, prov ding an update where appropriate or advising people how best to access our serv ce.

In addition to dealing with day to day casework and advice, you will also attend team meetings, plenty of training and may also attend some meetings with organisations where relevant to a part cular issue – whether that be internally or externally.

Start off on case create and learning our helpline processes. Move onto casework. You'll start to take calls on the helpline independently. We will have lots of discussion-based training sessions. Once you're fully trained, you'll attend team meetings and you may also attend meetings with organisations

Your first few weeks…

There is a lot of information for you to take on board!

When you start, you will receive a w de range of training and support, including the support of sen or colleagues whose role is to help and mentor newer staff.

We want you to get stuck in, as learning on the job is really the best way to build your knowledge and confidence, but you will be supported throughout so you always feel able to take on your new work!

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	See below for options
What is your complaint? The organisation ...	See below for options
What is your complaint? The organisation ...	See below for options
Please give details	
Supporting document	
Supporting document type	
Add another	
Document 2	
Supporting document type	
Add another	
Document 3	
Supporting document type	
Add another	
Document 4	
Supporting document type	
Supporting evidence summary	
What more could the organisation you're complaining about do to resolve your complaint?	
Organisation your complaint is about	
Organisation name	
Organisation address	
Address	
Contact name	
Email	
Phone	
About you	
First name	
Last name	
I'm acting on behalf of someone else	
Name of person you are acting on behalf of	
Authority to act on behalf	
Supporting document type	
I/person making this complaint was 17 or under	
Your email	
Your address	
Address	-
Phone	
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my	True

Field	Value
complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	

DP complaint form drop down lists

What is your complaint about? *

1. Accessing my personal information
2. The way an organisation is handling/processing my personal information

If select option 1:

What is your complaint? The organisation ... *

didn't respond to my request

refused my request

sent only some of the information I asked for

took too long to send me my information

Something else

If select option 2:

What is your complaint? The organisation ... *

won't delete or remove information it holds about me

won't correct information it holds about me

keeps contacting me for marketing purposes

keeps making automated decisions or profiling me

has lost personal information, or hasn't kept information secure

has used my personal information without my consent

has used my personal information in a way I didn't expect

won't let me move my data to another service provider

Something else

Supporting document type

Request for my personal data

complaint/request to organisation about how my information is being handled/processed

Response from organisation

Follow-up request

Other

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	Accessing my personal information
What is your complaint? The organisation ...	Didn’t respond to my request
What is your complaint? The organisation ...	-
Please give details	My father passed way on 15/06/12 and I need a copy of his will. The solicitors are acting fraudulently and the will is invalid. I made a SAR for all documents relating to my father om relation to the finalising of the will To date. They have ignored all requested. And have refused to provide me with the data for no reason. I have contacted action fraud.
Supporting document	See below.
Supporting document type	Complaint/request to organisation about how my information is being handled/processed
Add another	False
Document 2	-
Supporting document type	-
Add another	False
Document 3	-
Supporting document type	-
Add another	False
Document 4	-
Supporting document type	-
Supporting evidence summary	-
What more could the organisation you're complaining about do to resolve your complaint?	Provide the requested information and compensate me for the devastation this has caused me.
Organisation your complaint is about	-
Organisation name	ABC Solicitors LLP
Organisation address	-
Address	||||||GB
Contact name	-
Email	-
Phone	-
About you	-
First name	Joe
Last name	Bloggs
I'm acting on behalf of someone else	False
Name of person you are acting on behalf of	-
Authority to act on behalf	-
Supporting document type	Authority to act on behalf
I/person making this complaint was 17 or under	True
Your email	Joebloggs@gmail.com
Your address	-

Field	Value
Address	Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Phone	0303 123 1113
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

Supporting evidence

Email #1

Date: 10/05/2022

From: joebloggs@gmail.com

To: dpo@abclaw.co.uk

To whomever this may concern,

I hereby request copies of **ALL** documents relating to my late father, Matthew Bloggs, in relation to the finalising of the will **to date. I** understand that you have one calendar month to action my request as set out by the GDPR law. Please find attached power of attorney.

Please contact me if you require any further information.

Yours,

J Bloggs

Email #2

Date: 14/05/2022

From: dpo@abclaw.co.uk

To: joebloggs@gmail.com

Dear Mr Bloggs,

Thank you for contacting us.

We are not obliged to provide you with this information under UK data protection legislation.

If you are unhappy with the response received, you may complain to the ICO.

Thanks,

Data Protection Officer

22 September 2022

Case Reference Number: IC-XXXXXX-XXXX

Dear Mr Bloggs

Thank you for your data protection concern about ABC Solicitors LLP.

As we understand it, you are concerned that ABC Solicitors have refused to provide the information asked for in your email dated 10 May 2022. In particular you had requested a copy of all documents relating to your late father.

The right of access to information provided by the data protection law entitles individuals to request copies of their own personal data. However, in this case the ICO is unfortunately unable to take any action on this matter. This is because data protection law does not extent to those who have passed away, which means ABC Solicitors cannot be required to provide the information you have asked for.

Although we appreciate this may not be the response you were hoping for, we hope the above information is of assistance to you in clarifying the application of the data protection law in this case.

Next steps

You have explained you are concerned that ABC Solicitors are acting fraudulently. In this instance you may wish to raise your concerns with Action Fraud or the Solicitors Regulation Authority, who may be able to assist.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 xxxx

For information about what we do with personal data see our privacy notice

(Alternative outcome)

22 September 2022

Case Reference Number: IC-XXXXXX-XXXX

Dear Mr Bloggs

Thank you for your data protection concern about ABC Solicitors LLP.

As we understand it, you are concerned that ABC Solicitors have refused to provide the information asked for in your email dated 10 May 2022. In particular you had requested a copy of all documents relating to your late father.

The right of access to information provided by the data protection law entitles individuals to request copies of their own personal data. However, in this case the ICO is unfortunately unable to take any action on this matter. This is because data protection law does not extent to those who have passed away, which means ABC Solicitors cannot be required to provide the information you have asked for.

However, it is our view that ABC Solicitors could have more clearly explained to you the reason for refusing your request. We have therefore written to ABC Solicitors to advise them to review how they explain their response when handling similar requests in future.

Although we appreciate this may not be the response you were hoping for, we hope the above information is of assistance to you in clarifying the application of the data protection law in this case.

Next steps

You have explained you are concerned that ABC Solicitors are acting fraudulently. In this instance you may wish to raise your concerns with Action Fraud or the Solicitors Regulation Authority, who may be able to assist.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 xxxx

For information about what we do with personal data see our privacy notice

(Alternative outcome)

22 September 2022

Case Reference Number: IC-XXXXXX-XXXX

Dear Sir/Madam

We are writing to you because we have received a complaint about ABC Solicitors LLP from:

Mr Joe Bloggs
joebloggs@gmail.com

The ICO's role

Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law.

Concern raised

As we understand it, Mr Bloggs is concerned that ABC Solicitors have refused to provide the information asked for in his email dated 10 May 2022. In particular he had requested a copy of all documents relating to his late father.

In your response dated 14 May 2022, ABC Solicitors advises, "We are not obliged to provide you with this information under UK data protection legislation".

Data protection law does not extent to those who have passed away, and as such we are satisfied that ABC Solicitors cannot be required to provide the information Mr Bloggs asked for.

However, it is our view that ABC Solicitors could have more clearly explained to Mr Bloggs the reason for refusing his request, which may have prevented this complaint from being raised with us.

In view of this we recommend that ABC Solicitors reviews how you explain your response when handling similar requests in future. In accordance with the principle of accountability, this will ensure you have fully demonstrated your compliance with data protection law. As a matter of best practice we also recommend, where possible, providing advice on alternative routes to obtain information where this cannot be provided

under data protection law.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 xxxx

For information about what we do with personal data see our privacy notice

From: Bill Gates billg123@blueyonder.com

To: icocasework@ico.org.uk

Good evening,

I have just found a withdrawal from my bank account that I did not consent to. I have now had to cancel my card and freeze my account.

Upon further inspection, I found that Amazon have provided my bank details to a third party who have, without my authorisation, set up a direct debit to take £25 from my account.

I have emailed the third party to complain and have also tried to complaint to AMAZON but they charge for telephone calls.

I would like to report this breach of GDPR. Please investigate.

Regards

Bill

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Robert Err A348535
HMP Manchester
1 Southall Street
Manchester
M60 9AH

2 February 2022

Dear Sir/Madam

I am currently residing at HMP Manchester. I was convicted in April 2017 and I have a parole hearing coming up in the next few months. I received my OASys report and I completely disagree with the assessment they've made and I want them to change it. I'm not a high risk!

I asked the prison to change it to say I'm low risk but they refused. Please can the ICO investigate this as this is going to influence the parole hearing.

Thanks you

Rob

Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

Robert Err A348535
HMP Manchester
1 Southall Street
Manchester
M60 9AH

Official Sensitive

17 June 2022

Case Reference Number: IC-XXXXXX-XXXX

Dear Mr Err

Thank you for your letter dated 2 February 2022 about HMP Manchester.

The ICO's role

Part of our role is to consider complaints from individuals who believe there has been an infringement of their data protection rights.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform you of the outcome. Our decision will not affect your ability to enforce your rights through the courts.

Your concern

As we understand it you are concerned that HMP Manchester holds inaccurate information about you. In particular you have explained that you disagree with the assessment made in your OASys report, which categorises you as high risk. You have requested HMP Manchester to amend the categorisation but this has been refused.

On the basis of the information provided we are satisfied that HMP Manchester can legitimately refuse your request and as such the ICO is unable to take any action on this matter. The reasons for this are explained in more detail below.

Data protection law entitles individuals to request an organisation to correct personal data that is incomplete or inaccurate as to a matter of fact. However, this is not an absolute right and, where appropriate, requests can be refused.

For example a record of an opinion or allegation is unlikely to be considered inaccurate for data protection purposes and will not be required to be amended in response to a request for rectification. This does not mean that an opinion or allegation is proven to be true, only that the record is considered accurate as a reflection of the opinion or allegation submitted to the organisation.

In this case, the categorisation allocated to you can be considered a professional opinion meaning it does not represent a factual inaccuracy. As above, for the purposes of data protection law, the OAYSys report will be considered accurate as a reflection of the assessment made, meaning HMP Manchester will not be required to amend the report as you requested.

While we note you disagree with the decision to categorise you as high risk, a request for rectification will not provide a suitable route to challenge this decision. For this reason you may instead need to follow the HMP Manchester's official appeals process to challenge your risk categorisation.

Although we appreciate this may not be the response you were hoping for, we hope the above information is of assistance to you in clarifying the application of the data protection law in this case.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 xxxx

For information about what we do with personal data see our privacy notice

Need help?

Call our helpline

0303 123 1113

Make a complaint about your personal information

Make a complaint to us about an organisation's use of your personal information – for example if they haven't allowed you to see it or you want to complain about how they are handling or processing it.

By 'personal information' we mean information that contains your name or something else that could identify you.

About your complaint

What is your complaint about?

- (•) Accessing my personal information
- ( ) The way an organisation is handling/processing my personal information

(Accessing my personal information only):

The organisation …

- [x] didn't respond to my request
- [ ] refused my request
- [ ] sent only some of the information I asked for
- [ ] took too long to send me my information
- [ ] Something else

Please specify

I asked Inverclyde Council for a copy of any reports they've made about extending school opening hours and I'm still waiting for their response.

(The way an organisation is handling/processing my personal information only):

The organisation …

- [ ] won't delete or remove information it holds about me
- [ ] won't correct information it holds about me
- [ ] keeps contacting me for marketing purposes
- [ ] keeps making automated decisions or profiling me
- [ ] has lost personal information, or hasn't kept personal information secure
- [ ] has used my personal information without my consent

☐ has used my personal information in a way I didn't expect

☐ won't let me move my data to another service provider

☐ Something else

Please specify

Date of your complaint

The date you discovered the problem, or first made your request to the organisation

4 April 2022

Supporting evidence (you can write and/or add documents)

We'll need a copy of letters or emails you've sent to the organisation, and any responses from them

A copy of my request and the council's acknowledgement

What more can the organization you're complaining about do to resolve your complaint?

Provide the information I asked for

Organisation your complaint is about

Organisation name

Inverclyde Council

Organisation address

Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY

Contact name

Full name of the person you have contacted at the organisation, if you have one

Email

Email of the organisation or the person you contacted, if you have one

customerservice@inverclyde.gov.uk

Phone

For the person you spoke to, if you have one

About you

Your name

Full name of the person completing this form. We need your name, even if you're acting on behalf of someone else

Rod Stewart

☐ I'm acting on behalf of someone else

(If you're acting on behalf of someone else only) Name of person you're acting on behalf of

We'll need to know you're allowed to act on their behalf. You can provide a signed document from them, or get the person you're acting on behalf of to call us

☐ I/person making this complaint was 16 or under

Tick if the person making the complaint was aged 16 or under at the time they made their request or complaint to the organization. We use this to understand if the complaint relates to the rights of children

Email

The address you want us to use for correspondence about this complaint

r.stewart@gmail.com

Address, including postcode

Phone

Optional. Useful if we need to contact you about your complaint

Declaration

- I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share.
- I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary.
- If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.

☒ I agree

Sending your form to us

By email

1. Fill in this form and save it to your computer.
2. Open a new email, with 'Personal data complaint' in the subject line.
3. If you have all your supporting documents electronically, attach them to your email.
4. Email the completed form to icocasework@ico.org.uk

By post

If you have only paper copies of any of your supporting documents, print this form and post it with all your supporting documents to:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Please note that we cannot guarantee security of forms or any attachments sent by email.

From: r.stewart@gmail.com
To: customerservice@inverclyde.gov.uk
Date: 4 April 2022 10:17
Subject: Request

Hello

Please can you send me a copy of any reports you have prepared about extending school opening hours.

Thank you

Rod

From: foi@inverclyde.gov.uk
To: mr.stewart@gmail.com
Date: 5 April 2022 13:54
Subject: Request (ref: FOISA04/22)

Dear Rod,

Thank you for your email dated 4 April 2022.

We write to acknowledge your request and confirm that it will be handled under the provisions of Freedom of Information (Scotland) Act 2002.

We aim to respond within 20 working days.

At this time we are receiving a high volume of requests and we ask that you do not contact us to request an update before this deadline has elapsed.

Yours sincerely,

Inverclyde Council
Information Rights Team

For details on how we process data please see our privacy notice: Privacy - Inverclyde Council

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

4 July 2022

Case Reference Number: IC-XXXXXXXXXXX

Dear Mr Stewart

We write further to your complaint about Inverclyde Council (the council) and the way they have handled your information request.

We understand that the council acknowledged your request in their email dated 5 April 2022 and confirmed that this would be dealt with under the Freedom of Information (Scotland) Act 2002 (FOISA).

In this case the ICO is unable to take any action on this matter. This is because, FOISA is not regulated by the ICO but is instead regulated by the Scottish Information Commissioner.

For this reason you may wish to submit your complaint to the Scottish Information Commissioner. Details on how to do so are available on their website at the following link: https://www.itspublicknowledge.info/appeal

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 6XXX

For information about what we do with personal data see our privacy notice

From: Harold.bishop@gmail.com
To: icocasework@ico.org.uk; noreply@greatermanchesterpolice.pnn.police.uk
Date: 15 June 2022 23.59
Subject: delete everything!

Dear Sir/Madam

Please treat this as a formal request under section 10 of the Data Protection Act 1998 to delete all of my personal data. I want you to delete everything! I do not consent to you keeping any information about me.

Please confirm within seven days that you have deleted it all.

I have copied in the ICO to this request to make sure you reply.

Harold B

Ramsey Street

From: t.swift89@gmail.com
To: icocasework@ico.org.uk
Subject: hello fresh
Date: 5 September 2022

Hello

I hope you can help. I have tried many times to unsubscribe from receiving marketing emails from Hello Fresh since I signed up to a trial membership in May but I keep receiving their emails. Is there anything you can do to make them stop?

Thank you for your help

Taylor

Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

10 October 2022

Case Reference Number: IC-XXXXXXXXXXX

Dear Ms Swift

Thank you for your data protection concern about Hello Fresh.

The ICO's role

Part of our role is to consider complaints from individuals who believe there has been an infringement of their data protection rights.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform you of the outcome. Our decision will not affect your ability to enforce your rights through the courts.

Your concern

You have explained that you have attempted to unsubscribe from receiving electronic marketing messages from Hello Fresh but have continued to receive such messages.

Individuals may object at any time to the processing of their personal data for direct marketing purposes. Upon receiving notification of their objection, an organisation should no longer send direct marketing materials to the individual. We recommend that electronic marketing should no longer be sent after 28 days and postal marketing should stop within two months from receiving the request.

It may be noted that an organisation will not necessarily be required to delete an individual's personal data when it stops sending direct marketing. For instance, it may add their details to a 'suppression list' to prevent it from contacting them again.

Action required

We have now advised Hello Fresh to take steps to ensure that they no longer send direct marketing messages to you. We expect this to be completed within the timeframe referred to above.

We will also keep a record of all the concerns raised with us about how Hello Fresh processes personal data. The information we gather from concerns may form the basis for action in the future where appropriate.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 6XXX

For information about what we do with personal data see our privacy notice

Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

10 October 2022

Case Reference Number: IC-XXXXXXXXXXX

Dear Sir/Madam

We are writing to you because a data protection concern has been raised with the Information Commissioner's Office by:

Taylor Swift
t.swift89@gmail.com

Ms Swhift has explained that she has attempted to unsubscribe from receiving electronic marketing messages from Hello Fresh but has continued to receive such messages.

Under Article 21(2) of the UK General Data Protection Regulation individuals may object at any time to the processing of their personal data for direct marketing purposes. Upon receiving notification of their objection, an organisation should no longer send direct marketing materials to the individual. We recommend that electronic marketing, including emails and text messages, should no longer be sent after 28 days and postal marketing should stop within two months from receiving the request.

In light of the concern raised in this case we ask, if it has not done so already, that Hello Fresh takes steps to ensure that it no longer sends direct marketing messages to Ms Swift.

Please note we keep a record of all the concerns raised with us about Hello Fresh and will take these into account if more are received. The information we gather from concerns may form the basis for action in the future where appropriate.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 6XXX

Information Commissioner's Office

For information about what we do with personal data see our privacy notice

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	The way an organisation is handling/processing my personal information
What is your complaint? The organisation ...	-
What is your complaint? The organisation ...	has lost personal information, or hasn't kept information secure
Please give details	I received an email from Oceanic Airlines advising that my details have been stolen.
Supporting document	See below.
Supporting document type	Response from organisation
Add another	False
Document 2	-
Supporting document type	-
Add another	False
Document 3	-
Supporting document type	-
Add another	False
Document 4	-
Supporting document type	-
Supporting evidence summary	-
What more could the organisation you're complaining about do to resolve your complaint?	Compensate me for the inconvenience this has caused me.
Organisation your complaint is about	Oceanic Airlines
Organisation name	
Organisation address	Oceanic Airlines
Address	PO Box 465, UB7 0GB
Contact name	-
Email	-
Phone	-
About you	-
First name	Selena
Last name	Gomez
I'm acting on behalf of someone else	False
Name of person you are acting on behalf of	-
Authority to act on behalf	-
Supporting document type	
I/person making this complaint was 17 or under	
Your email	selenag@yahoo.com
Your address	
Address	-
Phone	

Field	Value
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

Supporting evidence

Date: 10/06/2022

From: dpo@oceanic.com
To: selenag@yahoo.com
Subject: Customer Support: Cyber incident

Dear customer,

We regret to inform you that Oceanic Airlines has experienced a cyber attack that may have put your personal data at risk.

On Monday 6 June 2022 our cyber security staff identified that a third party had gained access to our customer database. Our investigations at this time have confirmed that the third party has gained access to some information on bookings made between 1 to 31 May 2022. It does not appear that any payment details have been accessed, but customer names and addresses may have been compromised.

We are unable to confirm specifically which individuals have been affected by this incident but are contacting all customers who placed bookings with us between 1 to 31 May 2022 to ensure they are aware.

We have also made the Information Commissioner's Office aware of this incident and are co-operating with their investigation.

To help you protect your data we would like to offer you one year free Experian membership.

We apologise for this incident and we are doing all we can to put in place measures to prevent this from happening again.

Regards

Dr Jack Shephard
Data Protection Officer

23 August 2022

Case reference Number: IC-XXXXXX-XXXX

Dear Ms Gomez

Thank you for your data protection concern about Oceanic Airlines.

The ICO's role

Part of our role is to consider complaints from individuals who believe there has been an infringement of their data protection rights.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform you of the outcome. Our decision will not affect your ability to enforce your rights through the courts.

Your concern

As we understand it, you are concerned that Oceanic Airlines have not kept your personal data secure.

We note that in an email dated 10 June 2022 Oceanic Airlines informed you that they have experienced a cyber attack which means your personal data may have been accessed by an unauthorised third party.

On the basis of the information available, it is our view that Oceanic Airlines has not complied with its obligations under the data protection law. This is because they have not kept personal data secure and protected from unauthorised disclosure.

As noted in their email, Oceanic Airlines has self-reported this incident to the ICO. Such matters are considered by our Enforcement Department in accordance with our Data Protection Regulatory Action Policy.

We are unfortunately unable to provide further details of our investigation and for this reason we do not intend to contact you again regarding this matter.

However, if you wish to provide any additional documents for us to review in relation to this matter this can be taken into account.

Next steps

Individuals have the right to take proceedings to court if they believe their information rights have been infringed. Individuals also have the right to

compensation if they have suffered material or non-material damage as a result of any infringement of their information rights by a data controller.

Please be advised that the ICO is unable to assist with legal claims or award compensation and we recommend that you seek independent legal advice if you wish to pursue this course of action.

If you are concerned about the potential for identity theft as a result of this incident, advice on what steps you may take to protect your personal data can be found on our website at the following link:

https://ico.org.uk/for-the-public/identity-theft/

Yours sincerely,

XXX
Case Officer
Information Commissioners Office
Direct dial number: 0330 414 XXXX

For information about what we do with personal data see our privacy notice

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Ian Beale
12 Coronation Street
Weatherfield
M10 9KC

17 August 2022

Dear Sir/Madam

I am writing to submit a serious complaint about Walford Police and how they've handled my information.

I complained to the police in 2020 after my then wife tried to poison me. I moved out of our shared home and I've now been contacted by my ex-wife. She didn't know where I had moved to and she has said the information came from the police. I'm extremely angry and worried that they have shared information about me that could cause real harm given her past actions.

I have attached the police's response to my complaint and I don't feel they have taken this seriously enough.

I would like the ICO to investigate so that this cannot happen again.

Yours sincerely,

Ian

Walford Police
43 Victoria Square
Walford
London
E20 6PQ

Private and Confidential

Mr Ian Beale
12 Coronation Street
Weatherfield
M10 9KC

Complaint reference: DP/3956/22

15 August 2022

Dear Mr Beale

Thank you for your letter dated 1 July 2022 sent to the Chief Constable.

You have explained that your ex-wife has recently contacted you after receiving information about you from Walford Police. You have stated that your ex-wife did not previously know your whereabouts.

I note the serious nature of this incident and have taken steps to investigate to find out what has happened and what lessons can be learned.

From my investigation I have found that your details were inadvertently included in documents provided in response to a subject access request. I can confirm that the information included was limited to your email address but I recognise that this should not have been shared and greater care should have been taken when preparing the information for disclosure.

I have log this incident as a data protection breach and have discussed this matter with the officer involved and they will receive additional training.

Walford Police takes data protection very seriously and I apologise for our error in this case.

Yours sincerely,

G Mitchell
Data Protection Officer for Walford Police

For details of our privacy police please see our website

Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

Official Sensitive- Addressee Only

25 October 2022

Case reference number:
Your reference: DP/3956/22

Dear Sir/Madam

We are writing to you because a data protection complaint has been raised with us about Walford Police by:

Mr Ian Beale
12 Coronation Street
Weatherfield
M10 9KC

Concern raised with the ICO

As we understand it, Mr Beale is concerned that Walford Police have inappropriately disclosed his personal data. In particular Mr Beale has advised that information has been shared with his ex-wife, which has enabled her to contact him. Mr Beale has noted that his ex-wife had been investigated by Walford Police for an offence against himself.

Our view

From the information available it is our view that Walford Police have not complied with your obligations under the data protection law. This is because you have not kept Mr Beale's personal data secure.

We note that in Walford Police's response to Mr Beale dated 15 August 2022 you explain you have investigated how this incident occurred and confirm you have raised this matter with the member of staff involved. You have also confirmed that the information shared was limited to Mr Beale's email address.

In this case we are satisfied that Walford Police have taken appropriate steps to address the matter raised and we do not intend to take further action.

Next steps

In light of the circumstances in this case, we recommend that Walford Police consider if any additional steps can be taken to mitigate any risk to Mr Beale as a result. For example, this may include taking steps to retrieve the information.

We also recommend that Walford Police consider if any improvements can be made to your training or procedures for handling subject access requests, to prevent a similar incident form occurring.

What we will do

We keep a record of all the complaints raised with us about the way organisations process personal information.

We use complaints to build up a picture of an organisation's information rights practices so that we can identify and target poor performing organisations. Details of the action we have taken is available on our website.

Yours sincerely,

Name
Case Officer
Information Commissioner's Office
Direct dial telephone: 0330 313 XXXX

Feedback about our service

If you think we should have done something differently in how we have handled your concerns, or how we have treated you, please tell us.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Ian Beale
12 Coronation Street
Weatherfield
M10 9KC

3 November 2022

Dear John Edwards

I am writing following the ICO's response to my complaint about Walford Police (your reference _____.

I am very dissatisfied that the ICO has decided to take no action against Walford Police after they shared my contact details with my ex-wife.

This is a serious matter and I expected more than a slap on the wrist for the police. I would appreciate it if this matter could be looked at again as I feel it warrants much stronger action.

Please send me a copy of all the contact you have had with the police about this matter.

Yours sincerely,

Ian

Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

Mr Ian Beale
12 Coronation Street
Weatherfield
M10 9KC

10 November 2022

Case reference number:

Dear Mr Beale

We write further to your letter dated 3 November 2022.

We understand you wish the ICO to take further action against Walford Police as a result of your data protection complaint.

It might be helpful if I explain the Information Commissioner's duty in response to your complaint. Section 165(5) of the Data Protection Act 2018 says we must investigate data protection complaints to the extent appropriate and provide an outcome to the complainant.

Such investigations are based on the information provided in each case and are not legally binding. An outcome may comprise recommendations for steps the organisation may take to address the issue raised or to improve its overall information rights practices.

Depending on the circumstances, we will decide whether or not to take action against the organisation and what form our action will take. We do this by taking an overview of all concerns that are raised about that organisation with a view to improving their compliance with the data protection framework. Our Data Protection Regulatory Action Policy sets out criteria we will use when deciding whether to take regulatory action.

We cannot take formal action as a result of every concern that we receive, and it would not be appropriate for us to do so. However the intelligence that we gather helps us to decide when we should. The individual concerns that are brought to our attention are therefore very important to us as they give us an opportunity to see how the organisations that we regulate are performing.

This means we are unlikely to take regulatory action on the basis of individual concerns but where a pattern of non-compliance becomes apparent we may consider if regulatory action is an appropriate means to address the problems identified.

In this case we are satisfied that Walford Police understands their obligations under the data protection law and have taken appropriate steps to address your complaint. While our correspondence of 25 October 2022 provided some additional recommendations on further steps Walford Police may take, we do not consider it suitable to take regulatory action.

Right to go to court

Regardless of any view given by the ICO, individuals have the right to take proceedings to court if they believe their information rights have been infringed. This means that if a court is satisfied that the individual's rights have been infringed it may order the data controller or data processor in question to take steps to comply with its obligations under the data protection framework.

Please be advised that this is not a process with which the Information Commissioner's Office is able to assist and we recommend that you seek independent legal advice if you wish to pursue this course of action.

Subject access request

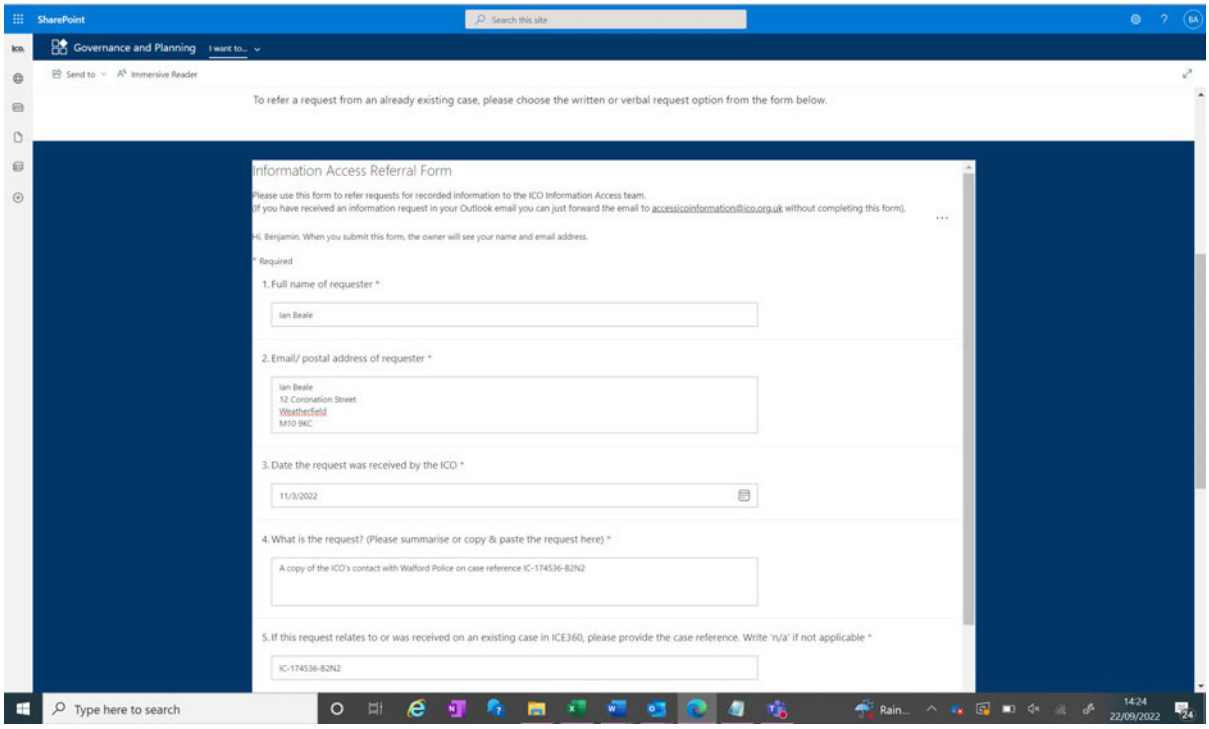
You have requested a copy of the contact the ICO has had with Walford Police about this matter. We can confirm that your request has been passed to our Information Access team who will respond to you separately.

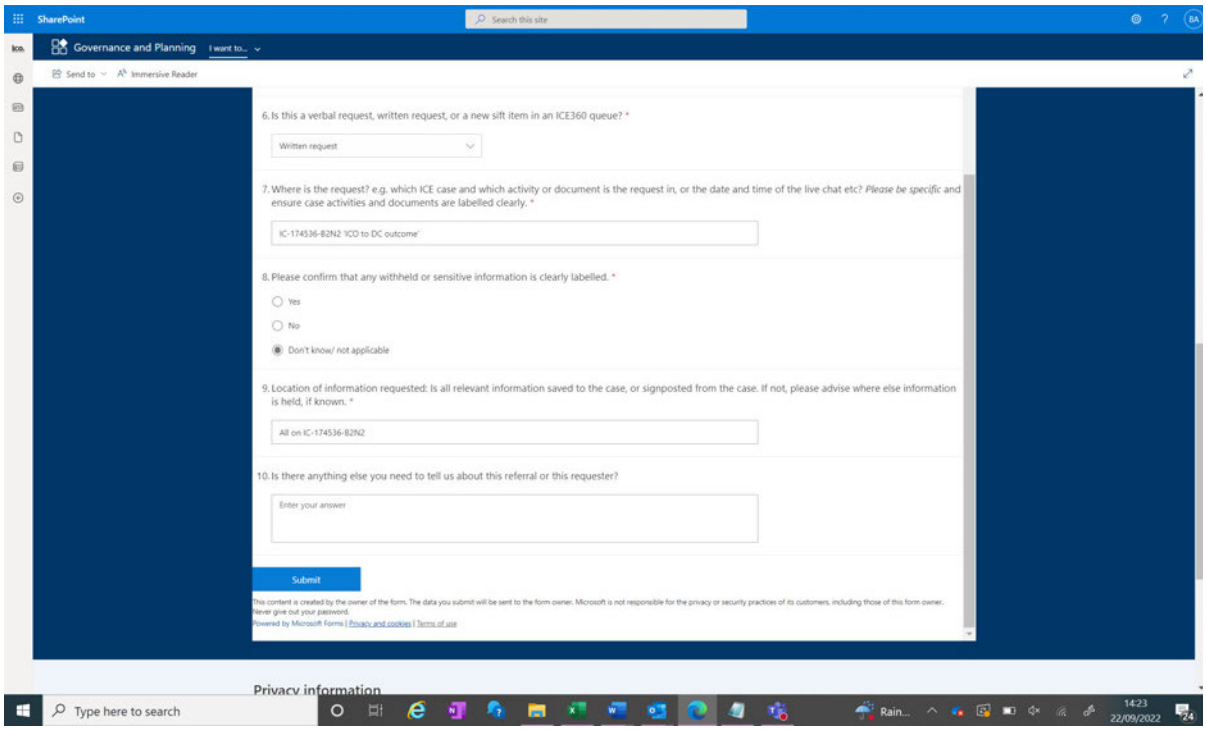
Yours sincerely,

Name
Case Officer
Information Commissioner's Office
Direct dial telephone: 0330 313 XXXX

Feedback about our service: If you think we should have done something differently in how we have handled your concerns, or how we have treated you, please tell us.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.


SharePoint
Search this site
Governance and Planning
I want to...
Send to
Immersive Reader
To refer a request from an already existing case, please choose the written or verbal request option from the form below.
Information Access Referral Form
Please use this form to refer requests for recorded information to the ICO Information Access team.
(If you have received an information request in your Outlook email you can just forward the email to accessicoinformation@ico.org.uk without completing this form).
Hi, Benjamin. When you submit this form, the owner will see your name and email address.
* Required
1. Full name of requester *
Ian Beale
2. Email/ postal address of requester *
Ian Beale
12 Coronation Street
Weatherfield
M10 9KC
3. Date the request was received by the ICO *
11/3/2022
4. What is the request? (Please summarise or copy & paste the request here) *
A copy of the ICO's contact with Walford Police on case reference IC-174536-B2N2
5. If this request relates to or was received on an existing case in ICE360, please provide the case reference. Write 'n/a' if not applicable *
IC-174536-B2N2
Type here to search
Rain...
14:24
22/09/2022


SharePoint
Search this site
Governance and Planning
I want to...
Send to
Immersive Reader
6. Is this a verbal request, written request, or a new sift item in an ICE360 queue? *
Written request
7. Where is the request? e.g. which ICE case and which activity or document is the request in, or the date and time of the live chat etc? Please be specific and ensure case activities and documents are labelled clearly. *
IC-174536-B2N2 'ICO to DC outcome'
8. Please confirm that any withheld or sensitive information is clearly labelled. *
Yes
No
Don't know/ not applicable
9. Location of information requested: Is all relevant information saved to the case, or signposted from the case. If not, please advise where else information is held, if known. *
All on IC-174536-B2N2
10. Is there anything else you need to tell us about this referral or this requester?
Enter your answer
Submit
This content is created by the owner of the form. The data you submit will be sent to the form owner. Microsoft is not responsible for the privacy or security practices of its customers, including those of this form owner.
Never give out your password.
Powered by Microsoft Forms | Privacy and cookies | Terms of use
Privacy information
Type here to search
Rain...
14:23
22/09/2022

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	Accessing my personal information
What is your complaint? The organisation ...	Sent only some of the information I asked for
What is your complaint? The organisation ...	-
Please give details	I received a response to my right of access request and I think there is more they should have given to me
Supporting document	See below.
Supporting document type	Response from organisation
Add another	False
Document 2	-
Supporting document type	-
Add another	False
Document 3	-
Supporting document type	-
Add another	False
Document 4	-
Supporting document type	-
Supporting evidence summary	-
What more could the organisation you're complaining about do to resolve your complaint?	Disclose all the information
Organisation your complaint is about	Roy's Rolls
Organisation name	Roy's Rolls
Organisation address	
Address	
Contact name	Roy Cropper
Email	roy@roysrolls.co.uk
Phone	-
About you	-
First name	Jack
Last name	Duckworth
I'm acting on behalf of someone else	False
Name of person you are acting on behalf of	-
Authority to act on behalf	-
Supporting document type	
I/person making this complaint was 17 or under	
Your email	jackandvera@yahoo.co.uk
Your address	
Address	-
Phone	
Declaration	-

Field	Value
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

From: roy@roysrolls.co.uk
To: jackandvera@yahoo.co.uk
Subject: Right of Access
Date: 17 March 2022

Dear Mr Duckworth

Thank you for your recent email about how we handled your right of access request.

In your email dated 20 February 2022 you state: “I am not happy with the information/documents disclosed”. I understand that you believe more information is held about you.

I have reviewed the response to your request and can confirm that I have provided all of the information I have on record. The information I didn’t provide is about the business, such as details of staff members and the ICO explained to me that this isn’t your personal data and so isn’t something I need to disclose.

As noted in my earlier response, I have already provided a lot of information when replying to your previous requests and so did not provide a new copy but looked to provide new information from 5 January 2021. I also spoke to the ICO about this and they confirmed that it is not necessary for me to provide the information again that I’d already given to you.

I hope this explains how I handled your request but if you are still not happy with my response you can submit a complaint to the ICO.

Yours sincerely,

Roy

10 August 2022

Case Reference Number: IC-XXXXXX-XXXX

Dear Mr Duckworth

We write further to your data protection complaint about Roy's Rolls.

What we do

Part of our role is to consider complaints from individuals who believe that there has been an infringement of the data protection law.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform you of the outcome.

Our view of your complaint

As we understand it, you are concerned that Roy's Rolls has not provided all of the information you have asked for in your subject access request (SAR).

In response to your complaint Roy's Rolls confirm the information withheld in their response does not constitute your own personal data. They also confirm they have not included information already provided to you in response to previous requests.

On the basis of the information you have provided in this case we are satisfied that Roy's Rolls has taken appropriate steps to respond to your request and have provided the personal data they hold about you. In view of this we do not deem it necessary to take any further action.

Yours sincerely

Name
Case Officer
Information Commissioner's Office
Direct dial number: 0330 414 xxx

For information about what we do with personal data see our privacy notice

Need help?
Call our helpline
0303 123 1113

Make a complaint about your personal information

Make a complaint to us about an organisation's use of your personal information – for example if they haven't allowed you to see it or you want to complain about how they are handling or processing it.

By 'personal information' we mean information that contains your name or something else that could identify you.

About your complaint

What is your complaint about?

- (•) Accessing my personal information
- ( ) The way an organisation is handling/processing my personal information

(Accessing my personal information only):

The organisation …

- [ ] didn't respond to my request
- [ ] refused my request
- [ ] sent only some of the information I asked for
- [ ] took too long to send me my information
- [x] Something else

Please specify

Mr Smith rang the DCMS to make a verbal SAR. Call handler advised that he would have to email in. Mr Smith explained his accessibility needs and call

handler advised that it would have to be made in writing.

(The way an organisation is handling/processing my personal information only):

The organisation …

☐ won't delete or remove information it holds about me

☐ won't correct information it holds about me

☐ keeps contacting me for marketing purposes

☐ keeps making automated decisions or profiling me

☐ has lost personal information, or hasn't kept personal information secure

☐ has used my personal information without my consent

☐ has used my personal information in a way I didn't expect

☐ won't let me move my data to another service provider

☐ Something else

Please specify

Date of your complaint

The date you discovered the problem, or first made your request to the organisation

5 august 2022

Supporting evidence (you can write and/or add documents)

We'll need a copy of letters or emails you've sent to the organisation, and any responses from them

Happened verbally

What more can the organization you're complaining about do to resolve your complaint?

Facilitate Mr Smith's right of access, accept the verbal request and provide him with a copy of his personal data

Organisation your complaint is about

Organisation name

Department for Digital, Culture, Media and Sport

Organisation address

100 Parlimaent Street, London, SW1A 1BQ

Contact name

Full name of the person you have contacted at the organisation, if you have one

Email

Email of the organisation or the person you contacted, if you have one

Phone

For the person you spoke to, if you have one

0207 211 6111

About you

Your name

Full name of the person completing this form. We need your name, even if you're acting on behalf of someone else

Mr John Smith

☐ I'm acting on behalf of someone else

(If you're acting on behalf of someone else only) Name of person you're acting on behalf of

We'll need to know you're allowed to act on their behalf. You can provide a signed document from

them, or get the person you're acting on behalf of to call us

☐ I/person making this complaint was 16 or under

Tick if the person making the complaint was aged 16 or under at the time they made their request or complaint to the organization. We use this to understand if the complaint relates to the rights of children

Email

The address you want us to use for correspondence about this complaint

Address, including postcode

Flat 3, 927 Russel Place
Bath Road
Slough
SL1 4DX

Phone

Optional. Useful if we need to contact you about your complaint

07123456789
Mr Smith has a reasonable adjustment and should be contacted by phone only.

Declaration

- I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share.
- I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary.
- If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.

☒ I agree

Sending your form to us

By email

1. Fill in this form and save it to your computer.
2. Open a new email, with 'Personal data complaint' in the subject line.
3. If you have all your supporting documents electronically, attach them to your email.
4. Email the completed form to icocasework@ico.org.uk

By post

If you have only paper copies of any of your supporting documents, print this form and post it with all your supporting documents to:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Please note that we cannot guarantee security of forms or any attachments sent by email.

Complaint submitted 30 July 2022

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	The way an organisation is handling/processing my personal information
What is your complaint? The organisation ...	
What is your complaint? The organisation ...	has lost personal information, or hasn't kept information secure, has used my personal information without my consent, has used my personal information in a way I didn't expect
Please give details	They have knowingly and purposely shared my information with a specific mandate from me not to share. We are foster carers for Forks City Council and was just in the process of leaving to another authority. We granted permission to share the information required per their guidelines which specifically state that any form of allegation unfounded unsubstantiated or malicious should not be shared. A day after leaving the service and making complaints about members of staff they have lodged allegation against us. I know that the authority we were moving to should have been informed that there in the process of dealing with the allegation but I specifically said they shouldn’t be included or told any other detail as the allegation is fake and due to complaints we made about discrimination by social workers. As part of the investigation process they have the fostering charity we were potentially moving to, we are not current employees and may retract our application. They ignored my requested and invited them to attend a allegation meeting to discuss the investigation.
Supporting document	
Supporting document type	Other
Add another	True
Document 2	
Supporting document type	
Add another	False
Document 3	
Supporting document type	
Add another	False
Document 4	
Supporting document type	
Supporting evidence summary	Email clearly evidencing we did not agree to share information
What more could the organisation you're complaining about do to resolve your complaint?	They have caused severe reputation damage and refuse to acknowledge the emails. They maliciously and knowingly allowed the Forks Children's Trust to attend a meeting despite my objections and no legal authority.
Organisation your complaint is about	
Organisation name	Forks City Council

Field	Value
Organisation address	
Address	
Contact name	Jacob Black
Email	j.black@forkscc.org
Phone	
About you	
First name	Isabella
Last name	Cullen
I'm acting on behalf of someone else	
Name of person you are acting on behalf of	
Authority to act on behalf	
Supporting document type	
I/person making this complaint was 17 or under	
Your email	Ilovevampires@gmail.com
Your address	
Address	-
Phone	
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

2 September 2022

Case Reference: [redacted]

Dear Ms Cullen

Thank you for your data protection concern about Forks City Council (the council).

The ICO's role

Part of our role is to consider complaints from individuals who believe that there has been an infringement of the data protection law.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform you of the outcome.

Concern raised with us

You have explained that you are concerned the council has inappropriately shared your personal data.

We understand that you raised this matter with the council in an email dated 22 July 2022. We recommend allowing one month for an organisation to respond to a data protection complaint.

If you have not received a response to your complaint please confirm this to us. Alternatively, if you have now received a final response from the council and you remain dissatisfied, please write back to us providing a copy of the council's response to your complaint.

Please note we ask that you forward copies of the original correspondence to us, rather than screenshots or extracted text. This is so we can confirm the addresses that correspondence were sent from/to and the dates on which they were sent/received.

Once we have received the information we need we will be able to consider any next steps that may be taken.

Yours sincerely,

Name
Case Officer
Information Commissioner's Office

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

From: Ilovevampires@gmail.com
To: icocasework@ico.org.uk
Date: 02/09/22 11:44
Subject: IC-XXXXXX-XX

Hi,

I received a final response that they have got incorrect.

The regulations clearly state what information should be shared. Although I agree they were meant to inform the local authority we reside in that is not the Forks Children's Trust who our potential fostering application is with. However, with all fostering agencies you can not progress an application while there is a ongoing investigation. And only substantiated outcomes can be shared with them. As such it is a complete breach that they was allowed to hear malicious allegations.

The response from the council states they only informed the council but that was not the case. The charity was invited to all meetings and given all our information. As we had clearly indicated we did not want this to happen we feel this was done maliciously with the intent to cause harm and reputational damage.

The response for the Authority was:

"Dear Ms Cullen

I received the following from your designated support person in fostering:

"Secondly i want to highlight further information sharing breaches. I do not and have not given consent for this to be shared with forks childrens trust and although i agree they needed to be informed that there is a current allegation they should not have been informed of any of the substance unless it has been found to be substantiated.

Please note i am aware as a cross party meeting that the mash team within Forks should be invited, but this does not include the fostering service who is a separate charity."

FCC response

Forks Children's Services are dealing with an allegation in relation to a potential safeguarding concern involving a child or young person and therefore have a duty of care to share information with the Local

Authority where the alleged parties reside and also one where there is an application to be local authority foster carer.

In relation to other services in the area you reside in being invited to the meeting, as this is at an allegation stage the decision has been that only Local Authority Designated Officers in that area is appropriate at this time.

Regards

Jacob Black
Children Safeguarding, Review and LADO”

We responded with the below, however all further emails were ignored by the service.

You have the right to inform the Lado in the area we live but not a charity in which our application is on hold and can obtain a reference if we decide to continue once you have done your hoax allegation. This was made clear on emails sent previously before they attended meetings. You have no right to share my information with any potential fostering service i could possibly apply to. there is no current application ongoing as it is on hold.

Regards

Bella

Official Sensitive

16 September 2022

Case Reference:

Dear Sir/Madam

We are writing to you because a data protection concern has been raised with the Information Commissioner's Office about Forks City Council (the council) by:

Isabelle Cullen
Ilovevampires@gmail.com

Details of complaint

Ms Cullen is concerned that the council have inappropriately shared her personal data. As we understand it, information relating to an allegation about Ms Cullen was shared with Forks Children's Trust. Ms Cullen has explained that she does not consider it was necessary to share details of the allegation as the associated investigation had not concluded and as such she does not believe that Forks Children's Trust should have been invited to a meeting where the allegation was discussed.

We understand that Ms Nicholls raised her concern with the council in an email dated 22 July 2022. In response the council stated it has a duty of care to share information with the local authority where the party resides of any alleged safeguarding concerns.

Next steps

The ICO considers complaints from individuals who believe there has been an infringement of the data protection law. We are required to investigate a complaint to the extent we feel is appropriate and inform the complainant of the outcome under Section 165 of the Data Protection Act 2018.

Accountability is one of the principles of the UK General Data Protection Regulation. As a regulator we look to organisations to effectively manage and resolve the data protection complaints they receive.

In order to resolve this complaint we ask that the council takes the following steps to address any outstanding issues with Ms Cullen:

If you believe you have complied with the data protection law, you should review the contact you have had with Ms Cullen to see if you can explain

your position more clearly. This might mean explaining what you have done in more detail, or in a different way, so Ms Cullen understands how you have handled her personal information and how you have acted in accordance with the law.

For example, Ms Cullen states she did not consent to her information being shared. We note that consent is unlikely to be the lawful basis relied on by the council, as such you should confirm the lawful basis relied upon and explain how this applies in this case, including why it was deemed necessary to share the information in question with Forks Children's Trust.

However, if it is determined that certain information should not have been shared with Forks Children's Trust, you should consider what steps can be taken to address this matter and to prevent a similar incident from occurring, including ensuring that staff are fully aware of their obligations under data protection law.

We ask that the council contacts Ms Cullen within the next **28 days** to explain what you have done.

You should contact Ms Cullen to let her know if you are unable to meet this timeframe and advise when you will be in a position to provide your response.

We will keep a record of this complaint on file. This will help us to better understand how you are dealing with information rights issues, more broadly.

Yours sincerely,

Name
Case Officer
Information Commissioner's Office
Direct dial: 0330 414 6xxx

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

16 September 2022

Case Reference: IC-xxxxxx-xxxx

Dear Ms Cullen

We write further to your data protection concern about Forks City Council (the council).

When we last wrote to you, we explained that our aim is to improve information rights practices. We do this by taking an overview of all concerns that are raised about an organisation with a view to improving its compliance with the data protection legislation.

We also explained that depending on the circumstances, we may give an organisation advice about handling personal information, provide guidance, or ask it to review its procedures.

Your concern

You have explained you are concerned that the council have inappropriately shared your personal data. As we understand it, information relating to an allegation about you was shared with Forks Children's Trust. You have explained that you do not consider it was necessary to share details of the allegation as the associated investigation had not concluded and as such you do not believe that Forks Children's Trust should have been invited to a meeting where the allegation was discussed.

We understand that you raised your concern with the council in an email dated 22 July 2022. In response the council stated it has a duty of care to share information with the local authority where the party resides of any alleged safeguarding concerns.

Next steps

Accountability is one of the principles of the UK General Data Protection Regulation. As a regulator we look to organisations to effectively manage and resolve the data protection complaints they receive.

We have considered the information you have provided to us and based on this it is our view that the council should take additional steps to address your concern.

We have therefore raised your complaint with the council, explaining that we want them to look again at the issues raised. If the council believe they have complied with the data protection law, they should review the

contact they have had with you to explain their position more clearly to demonstrate how they have handled your personal data in accordance with the law.

For example, you have stated you did not consent to your information being shared. In order to process personal data organisations must be able to rely upon at least one lawful basis, set out under Article 6 of the UK General Data Protection Regulation. Although consent represents one such basis, others may apply which mean that the individual's consent is not required to allow their data to be processed. As such we have advised that the council should confirm the lawful basis relied upon and explain how this applies in this case, including why it was deemed necessary to share the information in question with Forks Children's Trust.

Alternatively, if the council determines that certain information should not have been shared with Forks Children's Trust, they should consider what steps can be taken to address this matter and to prevent a similar incident from occurring, including ensuring that staff are fully aware of their obligations under data protection law.

We have advised the council to contact you directly to provide their response.

We keep a record of all the concerns raised with us about the council and will take these into account if more are received. The information we gather from concerns may form the basis for action in the future where appropriate.

Yours sincerely,

Name
Lead Case Officer
Information Commissioner's Office
Direct dial: 0330 414 xxxx

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

From: Ilovevampires@gmail.com
To: icocasework@ico.org.uk
Date: 16/09/22 16:24
Subject: IC-XXXXXX-XX

Hi, i did raise this as an official complaint and was told it had already been responded to in the email that you have referenced.

Forks childrens trust is not the local authority, the lado for the council was there to represent the local authority so they were well aware of this as they invited both.

I am concerned you have passed it back to them to look at. Have you given them a timescale to respond - what happens if they break this.

Also what happens if they provide the same response. As this is a very clear breach of our information and we believe this was done maliciously to cause reputational damage.

How determine if it was lawful if you have passed it back to them to decide?

Regards

Bella

20 September 2022

Case Reference: IC-xxxx-xxxx

Dear Ms Cullen

Thank you for your email of 16 September 2022.

It may be useful if we explain the ICO's role in considering the data protection complaints that are raised with us. Section 165(5) of the Data Protection Act 2018 says we must investigate data protection complaints to the extent appropriate and provide an outcome to the complainant.

Such investigations are based on the information provided in each case and are not legally binding. In providing an outcome the Commissioner is not required to determine beyond doubt whether an individual's information rights have been infringed but, where appropriate, an outcome may comprise recommendations for steps the organisation may take to address the issue raised or to improve its overall information rights practices.

In this case we have advised Forks City Council to explain to you why it was deemed necessary to share your personal data with Forks Children's Trust or if the information should not have been shared to take steps to address this matter. We have advised the council to contact you within the next 28 days.

We note you believe the information was shared maliciously, however, this is not a matter that the ICO can consider as it relates to staff conduct rather than the council's information rights practices. For this reason you will instead need to raise your concerns through the council's own complaints process.

Yours sincerely,

Name
Case Officer
Information Commissioner's Office
Direct dial: 0330 414 xxxx

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

From: Ilovevampires@gmail.com
To: icocasework@ico.org.uk
Date: 21/09/22 18:56
Subject: IC-XXXXXX-XX

Hi

I am still unsure of what i am to do if they provide a reason i don't agree with.

The fact it is very clear in the legislation that what information can be shared with a change of fostering provider and it explicitly states that only substantiated allegations can be shared there is no legal reason for this share of information. Certainly not to allow them to hear false or incorrect information that may be share within allegation meetings.

What are my next steps once they attempt to give a reason that i know is not legitimate.

Thanks

Bella

23 September 2022

Case Reference: IC-xxxx-xxxx

Dear Ms Cullen

Thank you for your email of 20 September 2022.

In answer to your question data protection law does not define what personal data can be shared and as such in this case it is for the council to determine, based on their own expertise, what data it is necessary to share in order to fulfil a specified purpose. However, for the purposes of data protection law the council must be able to apply at least one lawful basis for sharing the personal data and must be able to explain the reasons why it is necessary to be shared.

Consent provides one potential lawful basis for processing personal data but it is not relevant in every circumstance and if another lawful basis applies the individual's personal data can be processed without their consent.

In view of the above, as noted in our email of 16 September 2022, we have written to the council to advise that they should explain their position to you more clearly to demonstrate how they have handled your personal data in accordance with data protection law, including detailing the lawful basis that applies to share your personal data.

If the council determines that certain information should not have been shared with Forks Children's Trust, meaning a lawful basis does not apply, they should consider what steps can be taken to address this matter.

Next steps

Once you have received the council's response, if you dispute the lawful basis applied we recommend that you raise this with the council, explaining why you do not consider the lawful basis to apply.

Further guidance on lawful bases is available on our website at the following link: https://ico.org.uk/your-data-matters/does-an-organisation-need-my-consent/

Individuals have the right to take their own proceedings to court if they believe their information rights have been infringed. This means that if a court is satisfied that the individual's rights have been infringed it may order the organisation in question to take steps to comply with its obligations under the data protection law.

Please be advised that this is not a process with which the Information Commissioner’s Office is able to assist and we recommend that you seek independent legal advice if you wish to pursue this course of action.

Yours sincerely,

Name
Case Officer
Information Commissioner's Office
Direct dial: 0330 414 xxxx

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

External: This email originated outside the ICO.

Dear ICO

Please see below the response sent to the customer providing further clarity on the reasons why it was deemed necessary for Forks Council to share information.

Dear Ms Cullen,

You have raised a complaint (Reference: IC-xxxxxx-xxxx) with the Information Commissioner's Office (ICO) that Forks Council have inappropriately shared your personal data. Your complaint relates to the sharing of personal data with Forks Children's Trust; you have told the ICO that you do not consider it was necessary to share details of an allegation as the associated investigation had not concluded, and that you did not consent to his information being shared.

In order to resolve this complaint the ICO have asked the council to consider whether it has complied with data protection law, and if so, to provide a further explanation for the sharing of the personal data to you to clarify why the information was shared. If we consider that we did not comply with data protection law, the Council is to consider what steps can be taken to address this matter and to prevent a similar incident from occurring.

Forks Council have considered the sharing of the personal data and have determined that we have complied with data protection law in the sharing of details of the allegation with Forks Children's Trust, as part of our duties under Working Together 2018 to safeguard children.

Working together to safeguard children 2018 is statutory guidance on inter-agency working to safeguard and promote the welfare of children. Further details about Working together to safeguard children can be found on the .gov
website https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

Under Working Together 2018 we had a duty to share the information with Northamptonshire Children's Trust as the investigation related to safeguarding matters. Even though it was still being assessed, Forks Council had a duty under its safeguarding duties to ensure that any relevant parties, such as Forks Children's Trust, were aware of the allegation to ensure the safeguarding and welfare of children. Under Working Together 2018 there is clear guidance and reference to overriding consent in the interests of safeguarding.

Therefore the lawful basis under which Forks Council shared the personal data was that processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority invested in the controller (6 1 e). The basis for the sharing of special category data would have been processing is necessary for the purposes of carrying out obligations and exercising specific rights of the data controller or of the data subject in the field of .. social protection law (9 2 b).

Forks Children Trust were informed as they were considering a live fostering application, which to ensure that a fully informed decision was made, it was appropriate for them to be informed of the allegation.

I trust that this fully clarifies why it was appropriate and necessary for your personal data to be shared with Forks Children's Trust, the lawful basis for the sharing and that Forks Council did not need your consent to share your personal data.

If you remain dissatisfied with Forks Council decision to share your personal data with Forks Children's Trust then you should contact the ICO to progress your complaint. A copy of this response has been sent to the ICO.

Yours sincerely on behalf of Forks Council

Jacob Black
Children Safeguarding, Review and LADO

If I can be of any further assistance please get in touch.

Kind regards

Jacob

From: Ilovevampires@gmail.com
To: icocasework@ico.org.uk
Date: 28/09/22 13:11
Subject: IC-XXXXXX-XX

Hi,

I have received response from the council that still raises issues .
They claim it was necessary to allow Forks children's trust to be present in the allegation meetings under the Working together to safeguard children.

However that guidance only applies to involve agency in which we currently work. The legislation and guidance under fostering minimum standards and childrens act clearly states that a transfer to another fostering provider can not go ahead while there is an active allegation and that only substantiated allegations should be disclosed.

They allowed the childrens trust to be present in the meeting where slander and fictitious reports were disclosed. If the allegation was substantiated we would have then had a choice of wither to have this disclosed to the childrens trust in order to continue an application or to withdraw until we could process legal proceeding in getting the allegation outcome overturned .

They had a right to inform the lado for forks who then would have informed the childrens trust of the outcome if we decided to go forth.

By letting them attend meetings and divulging all the details they took away that choice and caused reputational damage.

Are you able to investigate this further or do i need to go for legal action as my next step as what they are saying is not true.
Regards

Bella Swan

3 October 2022

Case Reference: IC-XXXXXX-XXXX

Dear Ms Swan

Thank you for your email of 28 September 2022.

We understand that the council have advised that they consider it was necessary to share your data in order to fulfil their safeguarding duties, and make specific reference to their obligations under Working Together 2018.

While we note that you disagree with the council's explanation we have considered their response and we are satisfied that they understand their obligations under data protection law. In this case we do not consider it necessary to pursue further action with them.

Regardless of any view given by the ICO you have the right to take your own proceedings to court. As the ICO is unable to assist in this process we recommend that you seek independent legal advice if you wish to pursue this course of action.

Yours sincerely,

NAME
Case Officer
Information Commissioner's Office
Tel 0330 414 XXXX

From: Ilovevampires@gmail.com
To: icocasework@ico.org.uk
Date: 03/10/22 15:03
Subject: IC-XXXXXX-XX

Hi,

I think i am confusing your role here.
The working together legislation gives very detailed accounts of who should be present in these meetings and outlines each of their roles. Potential employers is certainly not one of them so I don't understand how you deem their response sufficient.
Is it not your role to check to see if the legislation they are claiming gives them this consent to share? Or can anyone just quote any legislation and state that give them legal rights to share and that goes unchecked unless i spend a costly amount taking this to court.

I'm not sure where the justice is in that - can i appeal your decision

7 October 2022

Case Reference: IC-xxxx-xxxx

Dear Ms Cullen

We write further to your email of 3 October 2022.

As noted in our email of 16 September, the ICO's role in considering data protection complaints is set out in Section 165(5) of the Data Protection Act 2018. This says we must investigate data protection complaints to the extent appropriate and provide an outcome to the complainant.

Such investigations are based only on the information provided in each case and are not legally binding. In providing an outcome the Commissioner is not required to determine beyond doubt whether an individual's information rights have been infringed but, where appropriate, an outcome may comprise recommendations for steps the organisation may take to address the issue raised or to improve its overall information rights practices.

In this instance, the council has explained why they deem it necessary to share information with the Children's Trust and we are satisfied that they have given appropriate consideration to their obligations under data protection law when sharing your personal data. While we note that you disagree with their reasons, and have referred to the Working Together statutory guidance, the ICO can only consider the council's actions in resect of data protection law and cannot consider whether or not the council has complied with obligations that fall outside our remit or expertise.

Next steps

We have now provided our final response to your complaint and we do not intend to consider this matter again. However, as previously noted, if you remain concerned that the council has infringed your information rights you have the right to take your own proceedings to court and we recommend that you seek independent legal advice if you wish to pursue this course of action.

If you believe that the ICO has provided you with a poor service, or if you believe we have not treated you properly or fairly then you may be able to complain to: **The Parliamentary and Health Service Ombudsman (PHSO), Millbank Tower, Millbank, London, SW1P 4QP.**

All complaints to the PHSO must be made through an MP. If you require further information about the PHSO, you can call its helpline on 0345 015

4033.

Yours sincerely

Name
Case Officer
Information Commissioner's Office
Tel: 0330 414 6XXXX

For information about what we do with personal data see our privacy notice at the following link: www.ico.org.uk/privacy-notice

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	Accessing my personal information
What is your complaint? The organisation ...	Didn’t respond to my request
What is your complaint? The organisation ...	-
Please give details	My father passed way on 15/06/12 and I need a copy of his will. The solicitors are acting fraudulently and the will is invalid. I made a SAR for all documents relating to my father om relation to the finalising of the will To date. They have ignored all requested. And have refused to provide me with the data for no reason. I have contacted action fraud.
Supporting document	See below.
Supporting document type	Complaint/request to organisation about how my information is being handled/processed
Add another	False
Document 2	-
Supporting document type	-
Add another	False
Document 3	-
Supporting document type	-
Add another	False
Document 4	-
Supporting document type	-
Supporting evidence summary	-
What more could the organisation you're complaining about do to resolve your complaint?	Provide the requested information and compensate me for the devastation this has caused me.
Organisation your complaint is about	-
Organisation name	ABC Solicitors LLP
Organisation address	-
Address	||||||GB
Contact name	-
Email	-
Phone	-
About you	-
First name	Joe
Last name	Bloggs
I'm acting on behalf of someone else	False
Name of person you are acting on behalf of	-
Authority to act on behalf	-
Supporting document type	Authority to act on behalf
I/person making this complaint was 17 or under	True
Your email	Joebloggs@gmail.com
Your address	-

Field	Value
Address	Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Phone	0303 123 1113
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

Supporting evidence

Email #1

Date: 10/05/2022

From: joebloggs@gmail.com

To: dpo@abclaw.co.uk

To whomever this may concern,

I hereby request copies of **ALL** documents relating to my late father, Matthew Bloggs, in relation to the finalising of the will **to date. I** understand that you have one calendar month to action my request as set out by the GDPR law. Please find attached power of attorney.

Please contact me if you require any further information.

Yours,

J Bloggs

Email #2

Date: 14/05/2022

From: dpo@abclaw.co.uk

To: joebloggs@gmail.com

Dear Mr Bloggs,

Thank you for contacting us.

We are not obliged to provide you with this information under UK data protection legislation.

If you are unhappy with the response received, you may complain to the ICO.

Thanks,

Data Protection Officer

Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

Mr Ian Beale
12 Coronation Street
Weatherfield
M10 9KC

25 October 2022

Case reference number:

Dear Mr Beale

Thank you for your data protection complaint about Walford Police.

The ICO's role

Part of our role is to consider complaints from individuals who believe there has been an infringement of their data protection rights.

The Data Protection Act 2018 requires us to investigate a complaint to the extent we feel is appropriate and to inform you of the outcome. Our decision will not affect your ability to enforce your rights through the courts.

Our view of your complaint

As we understand it, you are concerned that Walford Police have inappropriately disclosed your personal data. In particular you have advised that information has been shared with your ex-wife which has enabled her to contact you. You have also noted that your ex-wife had been investigated by Walford Police for an offence against you.

From the information available it is our view that Walford Police have not complied with their obligations under the data protection law. This is because they have not kept your personal data secure.

We note that in their response dated 15 August 2022 Walford Police explain they have investigated how this incident occurred and confirm they have raised this matter with the member of staff involved. Walford Police also confirm that the information shared was limited to your email address.

In this case we are satisfied that Walford Police have taken appropriate steps to address the matter raised and we do not deem it necessary to take further action at this stage.

However, in light of the circumstances in this case, we have contacted Walford Police to recommended that they consider if any additional steps can be taken to mitigate any risk to you as a result. For example, this may include taking steps to retrieve the information.

We have also recommended that Walford Police consider if any improvements can be made to their training or procedures for handling subject access requests, to prevent a similar incident form occurring.

What we will do

We keep a record of all the complaints raised with us about the way organisations process personal information.

We use complaints to build up a picture of an organisation's information rights practices so that we can identify and target poor performing organisations. Details of the action we have taken is available on our website.

Thank you for bringing this matter to our attention.

Yours sincerely,

Name
Case Officer
Information Commissioner's Office
Direct dial telephone: 0330 313 XXXX

Feedback about our service

If you think we should have done something differently in how we have handled your concerns, or how we have treated you, please tell us.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

Dummy cas			
Case number	**Complainant**	**Controller**	**Issue**
1	Joe Bloggs	ABC Solicitors LLP	Request for deceased individual's data
2	Bill Gates	Amazon	Security- info accessed allowing for withdrawal from bank account
3	Robert Err	Ministry of Justice	Challenging professional assessment
4	Rod Stewart	Inverclyde Council	Request for info about school opening hours
5	Harold Bishop	Greater Manchester Police	Request for erasure refused
6	Taylor Swift	Hello Fresh	Objection to marketing
7	Selena Gomez	Oceanic Airlines	Security- informed of data breach
8	Ian Beale	Walford Police	Data shared with former partner who had committed an offence against the DS
9	Jack Duckworth	Roy's Rolls	SAR- incomplete
10	John Smith	DCMS	Reasonable adjustment - telephone contact only - DC not facilitating verbal SAR request
11	Mark Corrigan	Marks and Spencers	Uncooperative DC - third party data sent to DS

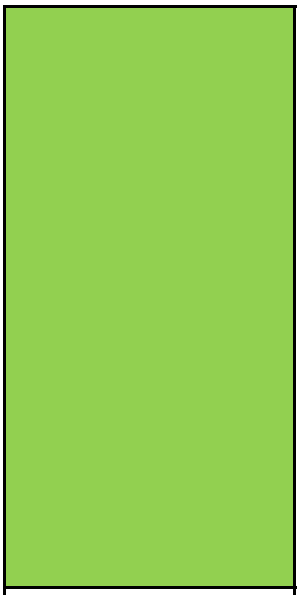
12	Isabella Cullen	Forks City Council	Disclosure of PD- includes responding to a number of follow-up emails from DS
13	Thomas Edison	Extortionate Energy	No response/explanation to original SAR requests - DC unresponsive after ICO intervention. (LOW V&V)

e index

Outcome	Documents
Not DPA. Alternative outcome provided- written to DC to advise them to more clearly explain their response	1.1- complaint form 1.2- ICO to DS outcome 1.3- ICO to DS alternative outcome 1.4 ICO to DC- outcome
DS needs to raise with DC	2.1- DS to ICO
Not DPA- info is not inaccurate for purposes of DPA	3.1- DS to ICO (postal) 3.2 ICO to DS outcome (postal)
FOISA- Not within ICO's remit	4.1- DS complaint form 4.2- DS/PA correspondence 4.3 ICO to DS Not ICO
NFA- ICO copied into request	5.1- DS to DC cc ICO
Write to DC- no supporting evidence but allows for quick closure	6.1- DS to ICO 6.2- ICO to DS outcome 6.3- ICO to DC outcome
NFA- breach already self-reported	7.1- DS complaint form & DC correspondence 7.2 ICO to DS re PDB
Not complied, advice provided but appears to be low risk	8.1- DS to ICO 8.2 DC to DS 8.3 ICO to DS outcome 8.4 ICO to DC outcome 8.5 DS to ICO 8.6 ICO to DS 8.7 ICO internal- SAR referral
NFA- provided all info	9.1 DS complaint form 9.2 DC to DS 9.3 ICO to DS outcome
Not complied, advice provided	10.1 DS complaint form RA

Accountability, advised DC to explain position more clearly Responding to follow-up correspondence from DS after outcome Advised DS no case review	12.1 DS complaint form 12.2 ICO to DS FI 12.3 DS to ICO F1 12.4 ICO to DC outcome 12.4 ICO to DS outcome 12.5 ICO to DS outcome 12.6 DS to ICO follow-up 12.7 ICO to DS advice 12.8 DS to ICO further query 12.9 ICO to DS advice 2 12.10 DC to ICO 12.11 DS to ICO 12.12 ICO to DS- NFA 12.13 DS to ICO 12.14 ICO to DS- Closure
Infringement - letter to DC and prompt for them to respond to DS.	1.DS to ICO complaint 2.ICO to DS Call – Complaint discussion 3.ICO to DC Infringement 4.ICO to DS Infringement 5.ICO to DS Call Back 6.DS to ICO No response 7.ICO to DS 7 day letter sent 8.ICO to DC 7 day letter 9.DS to ICO Call note

example response prepared
No response needed?



Full case example

Field	Value
Sequence ID	-
Retention schedule	-
About your complaint	-
What is your complaint about?	The way an organisation is handling/processing my personal information
What is your complaint? The organisation ...	-
What is your complaint? The organisation ...	has lost personal information, or hasn't kept information secure
Please give details	I received an email from Oceanic Airlines advising that my details have been stolen.
Supporting document	See below.
Supporting document type	Response from organisation
Add another	False
Document 2	-
Supporting document type	-
Add another	False
Document 3	-
Supporting document type	-
Add another	False
Document 4	-
Supporting document type	-
Supporting evidence summary	-
What more could the organisation you're complaining about do to resolve your complaint?	Compensate me for the inconvenience this has caused me.
Organisation your complaint is about	Oceanic Airlines
Organisation name	
Organisation address	Oceanic Airlines
Address	PO Box 465, UB7 0GB
Contact name	-
Email	-
Phone	-
About you	-
First name	Selena
Last name	Gomez
I'm acting on behalf of someone else	False
Name of person you are acting on behalf of	-
Authority to act on behalf	-
Supporting document type	
I/person making this complaint was 17 or under	
Your email	selenag@yahoo.com
Your address	
Address	-
Phone	

Field	Value
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

Supporting evidence

Date: 10/06/2022

From: dpo@oceanic.com
To: selenag@yahoo.com
Subject: Customer Support: Cyber incident

Dear customer,

We regret to inform you that Oceanic Airlines has experienced a cyber attack that may have put your personal data at risk.

On Monday 6 June 2022 our cyber security staff identified that a third party had gained access to our customer database. Our investigations at this time have confirmed that the third party has gained access to some information on bookings made between 1 to 31 May 2022. It does not appear that any payment details have been accessed, but customer names and addresses may have been compromised.

We are unable to confirm specifically which individuals have been affected by this incident but are contacting all customers who placed bookings with us between 1 to 31 May 2022 to ensure they are aware.

We have also made the Information Commissioner's Office aware of this incident and are co-operating with their investigation.

To help you protect your data we would like to offer you one year free Experian membership.

We apologise for this incident and we are doing all we can to put in place measures to prevent this from happening again.

Regards

Dr Jack Shephard
Data Protection Officer

Thomas Edison Dummy Case

Complaint

-SAR request not handled appropriately, still not received a copy of data or an adequate response.

Things to note:

- *Uses a combination of phone calls and email.*
- *DC did not respond to us so we have taken extra steps to try illicit a response.*
- *No contact number for the DPO.*
- *DC doesn't respond at all, no further action taken. Low value, low vulnerability.*
- *Case closed after infringement and not reopened as 'case officer review' for the extra work. All other work completed as case changes.(discuss option to reopen case as case officer review)*

Closure channel: Email

Outcome: *Informal Action Taken > Infringement > More Work for Org – unsatisfactory response to ind complaint*

Timeline:

1. DS to ICO complaint
2. ICO to DS Call – Complaint discussion
3. ICO to DC Infringement
4. ICO to DS Infringement

(Case closed here)

(Voicemail from DS received, call returned immediately)

5. ICO to DS Call Back
6. DS to ICO No response
7. ICO to DS 7 day letter sent
8. ICO to DC 7 day letter
9. DS to ICO Call note

Evidence

Some holes in the complaint evidence that may trip up people looking at this case:

- First email is send by an advocate but this holds no bearing on how we handle this case
- We don't have all the correspondence but we do not require all of the information
- Lots of general complaint information in the evidence – forcing COs to look more in-depth to find the relevant information
- Doesn't appear that the DS has provided any ID as the org requested – holds not baring on how we deal with this case.

Things to spot

- SAR request form refers to GDPR 2016
- SAR request form states it will take 8 weeks for a response

Questions to ask

- **Have we met our obligation here?**
  (yes, we have provided an outcome - section 165. We have discretion about how far we investigate)

- **What would we do if the DS was unhappy with our decision and wanted us to do more to pursue this?**
  (case review)

- **At what point would you flag this case with a manager or LCO?** *(New ones to flag with LCO/Manager at the point of no DC response to decide how far to take this case – discuss what else could happen in this situation – manager letter)*

- **Do you think this case officer handled this case appropriately? Is there something you would have done differently?** *(Discuss any thoughts people may have)*

1. DS to ICO Complaint

Field	Value
Sequence ID	DPCM-00000
Retention schedule	-
About your complaint	-
What is your complaint about?	Accessing my personal information
What is your complaint? The organisation ...	didn't respond to my request
What is your complaint? The organisation ...	
Please give details	made a verbal request for a telephone recording on the 5th May and the company was also sent and email requesting all telephone recording associated with my account on the 6th May. They did not respond and when i complained, they would not process my request unless i filled in their subject access request form. I filled in the subject access request form on the 21st June which they acknowledged but they still have not provided my information
Supporting document	First request.pdf
Supporting document type	Request for my personal data
Add another	True
Document 2	SAR Request form.pdf
Supporting document type	Request for my personal data
Add another	True
Document 3	Acknowledgement of SAR
Supporting document type	Request for my personal data
Add another	False
Document 4	
Supporting document type	Titles of the documents should explain themselves
Supporting evidence summary	
What more could the organisation you're complaining about do to resolve your complaint?	Send me the copy of the phonecalls as I requested. I want to send this information to the energy ombudsman
Organisation your complaint is about	
Organisation name	Extortionate Energy
Organisation address	
Address	Extortionate Energy 123 Electric Avenue NOTTINGHAM
Contact name	Joanne in the complaints department
Email	customerservices@extortionateenergy.com
Phone	
About you	
First name	Thomas

Field	Value
Last name	Edison
I'm acting on behalf of someone else	False
Name of person you are acting on behalf of	
Authority to act on behalf	
Supporting document type	Authority to act on behalf
I/person making this complaint was 17 or under	True
Your email	lightbulbinventor@hotbulb.com
Your address	
Address	15 Incandescent Way London
Phone	0123456789
Declaration	-
I understand that the ICO may need to share the information I have provided so they can look into my complaint, and have indicated any information or documents that I don't want the ICO to share. I understand the ICO will keep the information relating to my complaint, including any documents for two years, or longer if necessary. If I am making a complaint on someone else's behalf, I confirm that I am allowed to act on their behalf.	True

First Request.pdf

RE: Complaint for Acc No 123456

From: Customer Resolution (customerresolution@etxtortionateenergy.com)
To: bill@actionagainstbigbills.com
Cc: lightbulbinventor@aolol.com

Thursday, 12 May 2022 at 11:00 BST

Dear Bill,

thank you for your below email. Could you please give a brief description of the complaint you would like to raise? This will enable me to log correctly and will give the assigned complaint handler further information in their investigation. I have attached our complaints form, should you prefer to complete this and return.

Kind regards, Joanne

From: Bill
To: Customer Resolution
Cc: lightbulbinventor

Sent: 06 May 2022 09:00

Subject: Complaint for Acc No 123456

To Whom it may concern

I would like to draw your attention to the signed Letter Of Authority attached to this email, I have also as an added proof attached the summary sheet that breaks down the proof of signature and links it to the customer. Mr Thomas Edison has advised me that he feels your company and its policies along with the experience he has had is nothing short of a modern day tragedy. I act on behalf of Mr Edison and have had to listen to his experience with your company, I find myself agreeing that his experience has been horrific. Mr Edison has informed me that they have contacted you only yesterday from the date of this email and again Nothing has been forthcoming, he now strongly feels that they are being forced into staying on your deemed rate variable contract.

On behalf of the customer we would like to request ALL call recordings along with transcripts of the recordings. So with that mentioned we would like to Raise A Complaint and like to have aforementioned complaint acknowledged in line with your own company policy of 1-2 working days. I look forward to your timely response and also remind you that Service level Agreements have already been breached, I therefore implore to your better sense of judgement and bring into question your level of expected customer service. I do hope we can resolve this matter without legal recourse.

Kind Regards Bill Billington

AABB - Action Against Big Bills

SAR Acknowldgement.pdf

From: Customer Resolution (customerresolution@extortionateenergy.com)
To: Thomas Edison (lightbulbinventor@ aolol.com)
Date: Wednesday, 22 June 2022 at 12:00 BST

Dear Thomas,

thank you for supplying the completed document. I have raised your request with our compliance team, the files will come directly from the compliance team.

As previously advised, I am happy to authorise the removal of £268 of the late payment fees, upon receipt of the remaining £113, bringing the electric account to a £0.00 balance along with a manual credit of £200 to your gas account, upon receipt of the remaining £442, bringing your account to a £0.00 balance. Should you not accept the terms offered in our resolution, you can raise your complaint to the Ombudsman Services, who will review the case. Should you submit your complaint with the Ombudsman, we will withdraw the offer of the removal of late payment fees, totalling £268 and the manual credit of £200 and honour the remedial action decided by the case handler. Please be advised this could be more or less than what was offered at resolution.

Kind regards, Joanne

-----Original Message-----

From: Thomas Edison
To: Customer Resolution
Sent: 21 June 2022 20:34
Subject: Re: COM1234

Dear Joanne,

Please find attached the requested subject access request form. As you did not give me the recording that I requested in my "verbal" subject access request, in my telephone conversation with Joseph on the 5th May 2022 at 16:30 (which was a legally binding request) not to mention the original start of my complaint on the 6th May 2022 via email from Bob Wahid in which he requested all recordings and transcripts of all telephone calls (which you acknowledged receipt of). I have now requested all recordings of telephone conversation with your company via your written Subject access request form. I would like to once again inform you that by law you had one calendar month to either send me that information or request further information from me, you did not do this in the required time and have already therefore broken the law and also the service level agreement that you should be adhering to (I have been informed of this by the energy Ombudsman, information commissioner's office (ICO) and a solicitor). I therefore request that you make this a matter of great urgency and get these recording to me as soon as possible. I have given you the exact time and date of each call with the relevant phone number, so this should not be a problem for you. If you could also send all recordings of telephone conversations from your credit control departments (Nottingham, India and South Africa) and myself that would also be great, as they will show how many times that your company has contacted me for payment even though my account has been on hold.

Regards Thomas Edison

On Friday, 17 June 2022, 12:47:13 BST, Customer Resolution wrote:

SARrequest form.pdf

EXTORTIONATE ENERGY

GDPR 2016 - Right of Access Request Form

Under Article 15 of the General Data Protection Regulation, you have a right to access personal information that Extortionate Energy holds about you. However, as a large energy company, we could hold personal information in a number of different areas. Completing this form will help us to locate the information you are seeking and deal with your request as quickly as possible. Your request will be processed within 8 weeks of receipt of a fully completed form.

Your Information

Surname: *Edison*

First Name: *Thomas*

Address (Including Postcode): *15 Incandescent Way, London, W1 2QE*

Phone Number: 0123456789

Email: *lightbulbinventor@aolol.com*

I am enclosing the following as proof of identity(please tick):

Driving Licence	
Passport	
Birth Certificate	
Official letter to my address	

Personal data you are requesting:

I would like telephone recordings from

11 March 2022 14:55 from 0123456789

20 March 2022 11:00 from 0123456789

5 April 2022 13:40 from 0123456789

Data Subject Declaration:

I certify that the information provided on this form is correct and to the best of my knowledge and that I am the person to whom it relates. I understand that Extortionate Energy is obliged to confirm proof of identity and it may be necessary to obtain further information in order to comply with this request.

Name: *Thomas Edison*

Signature: *T. Edison*

Date: 20/06/2022

2. ICO to DS CALL: Complaint discussion

From	**Jack.Frost@ico.org.uk**
To	**To** **ICO Casework**
Cc	**Cc** **--**
Subject	**Subject IC-12345-A1B1 Call To DS** **IC-12345-A1B1Call To DS**
Display Name	**Display Name ICO to DS CALL: Complaint discussion** **ICO to DS CALL: Complaint discussion**
Date Received	**Date Received Wed Aug 24 2022 12:44:41 GMT+0100 (British Summer Time)** **24/08/202212:44**
Email Address	**Email Address "Jack Frost" Jack.Frost@ico.org.uk**

IC-12345-A1B1

I called Thomas Edison on number provided: 0123456789
24 August 2022
12:00

Security: Postcode and organisation verified by caller.

Line was poor but we managed to understand each other.
Points of discussion:

- Mr Edison explained that he has not received a copy of his personal data and has not received any communication from Extortionate Energy's compliance team, despite assurances on 22 June 2022.
- We discussed what would be considered a valid request and I explained that verbal requests can be valid but we would always recommend following concerns up in writing.
- Mr Edison has explained that his wider matter has been resolved by the ombudsman but he would still like a copy of his personal data because he may use that information to complain to Ofgem.
- I have explained that I would now contact Extortionate Energy and provide good practice advice and we would keep a record of the way in which they have handled his SAR. I explained that I would

be recommending that the organisation contact Mr Edison within 14 days with the information he is entitled to.

- I explained that I would send an email to him outlining our conversation and providing him with information about what to expect next.

Jack Frost
Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 12345 ico.org.uk twitter.com/iconews

Please consider the environment before printing this email
For information about what we do with personal data see our privacy notice

3. ICO to DC Infringement

24 August 2022

Our Reference: **IC-12345-A1B1**

Dear Data Protection Officer

The Information Commissioner's Office (ICO) has received a complaint about Extortionate Energy from Thomas Edison. Please find the relevant information attached.

Complaint

It is understood that Mr Edison has some wider concerns about Extortionate Energy and due to this, made the decision to request copies of his personal data. It is understood that Mr Edison made 3 requests to Extortionate Energy for his data, one of which was acknowledged on 22 June 2022. After a discussion with Mr Edison this afternoon, he has explained that he has not yet received any further responses from Extortionate Energy despite assurances that he would be contacted by the Extortionate Energy compliance team.

Our view

We have considered the information available in relation to this complaint and we are of the view that your organisation has not complied with its data protection obligations. This is because

- Extortionate Energy did not respond appropriately to Mr Edison's subject access request (SAR) within the legal timeframe.

It has also been noted that the SAR request form, that Extortionate Energy asked Mr Edison to complete, incorrectly refers to 'GDPR 2016' and explains that requests will be processed within 8 weeks. You should be aware that the correct legislation is GDPR 2018 and that the legal

timeframe for responding to valid requests is one calendar month.

Further action required

Your organisation should now take steps to improve its information rights practices and it should now ensure that

1. You **contact Mr Edison directly as soon as possible or within the next 14 days.** You should provide an appropriate response to his concerns and a copy of all the requested information he is entitled to within this time. If you are unable to provide a thorough response to his concerns within the next 14 days then we expect you will keep Mr Edison informed about when he should expect to receive one.

2. All staff attend mandatory training which is routinely tested and refreshed

3. All processes are updated to ensure that requests are processed within one calendar month.

4. All documents should be amended to ensure that correct information, in relation to data protection legislation, is provided to customers.

5. All policies and procedures are updated and revised to reflect the obligations placed on controllers and processors under the GDPR / DPA18

We keep a record of all the complaints raised with us about the way organisations process personal information. The information we gather from complaints may form the basis for action in the future where appropriate.

We do not require Extortionate Energy to contact us further at this time. However, should you wish to discuss this case, require any clarification, or disagree with our view on this matter, please do not hesitate to contact me. You can do this by reply to this email or by calling my direct contact number below. Please ensure that you use reference **IC-12345-A1B1** in any correspondence about this case.

We now consider this case closed. We will revisit this matter and may

contact you again if we receive further complaints in relation to this case.

Yours sincerely

Jack Frost
Case Officer
Information Commissioner's Office
0330 123 45

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

(This letter was sent as an attachment to a brief email. Also attached: the 3 pieces of correspondence to and from the DS to the DC)

4. ICO to DS Infringement and call summary

24 August 2022

Our Reference: [redacted]

Dear Thomas Edison

Thank you for speaking with me on the phone earlier today.

We discussed your concerns and I briefly explained about subject access requests and what an organisation's obligations are when they receive a data rights request. You can read more about subject access requests and your other data rights in the Your Data Matters section of our website

You explained to me that you have yet to receive a copy of your personal data or a response from Extortionate Energy's compliance department despite assurances on 22 June 2022 that you would receive a response and a copy of your data directly from their team.

Our view

After considering all the information you have provided with your complaint and the information you provided over the phone today we have made the decision that Extortionate Energy have not complied with their data protection obligations. This is because you did not receive an appropriate response to your data rights request within the legal timeframe of one calendar month.

What happens now

We have now emailed Extortionate Energy and provided them with some advice on how to improve their data rights practices.

We have also told them that we expect them to work with you in order to resolve matters. We expect them to contact you directly as soon as possible or within the next 14 days.

They should provide you with an appropriate response to your concerns and a copy of all the requested information you are is entitled to within this time.

If Extortionate Energy are unable to provide a thorough response to your concerns within the next 14 days then we expect that they will keep you informed about when you should expect to receive one. If you don't receive any contact at all please do let me know.

We keep a record of all the complaints raised with us about the way organisations process personal information. The information we gather from complaints may form the basis for action in the future where appropriate.

This case is now closed, I hope that the information provided is useful to you.

Yours sincerely

Jack Frost
Case Officer
Information Commissioner's Office
0330 123 45

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

5. ICO to DS CALLBACK

From	**Jack.Frost@ico.org.uk**
To	**To** **ICO Casework**
Cc	**Cc** **--**
Subject	**Subject IC-12345-A1B1 Callback To DS** **IC-12345-A1B1Callback To DS**
Display Name	**Display Name ICO to DS CALLBACK** **ICO to DS CALLBACK**
Date Received	**Date Received Tuesday 06/09/2022 12:44**
Email Address	**Email Address "Jack Frost" Jack.Frost@ico.org.uk**

IC-12345-A1B1

Missed call and voicemail from Thomas Edison (DS) at 12:26
Returned call at 12:36
0123456789

06 August 2022
12:36

Thomas wasn't sure if he should be expecting a response from DC in 14 calendar days or 14 working days. I advised that it was 14 calendar days which would give the DC until end of the day tomorrow (7/9/22). I have advised Thomas that I work only Monday-Wednesday and that he could reasonably allow the DC until the end of the week to respond to him. If he doesn't hear anything at all within that time then she should contact me on Monday when I am back in the office, either by email or by phone. Thomas agreed with this.

Thomas states that he has sent a follow up email regarding this matter and his other concerns to the DC customer services team. I advised that the DP issues would likely be considered by the compliance/DP team and suggested that if he would still like to follow up with the DC during this week then he would probably be best to do so using the DPO email in the privacy policy. He said he would like to do this, so I directed Thomas to the privacy policy on the DC website.

I have advised Thomas that if the DC contacts him within this time, with regards to this DP matter, then it is not necessary to let me know on Monday and the case will remain closed.

Jack Frost
Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 12345 ico.org.uk twitter.com/iconews

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For information about what we do with personal data see our privacy notice

6. DS to ICO No response

From	**Thomas Edison**
To	**ICO Casework**
Cc	**Cc** **--**
Subject	**Subject RE: ICO Case Reference: IC-12345-A1B1** **RE: ICO Case Reference: IC-12345-A1B1**
Display Name	**Display Name DS to ICO No response** **DS to ICO No response**
Date Received	**Date Received Wed Sep 14 2022 13:31:43 GMT+0100 (British Summer Time)** **14/09/202213:31**
Email Address	**Email Address: lightbulbinventor@aolol.com**

External: This email originated outside the ICO.

Hi Jack,

I rang last week to discuss this with you and you said to give it until the weekend and contact you if ExtortionateEnergy still have not contacted me. I didn't find time to email them until today but I have managed to now. I have had no contact from Extortionate Energy at all regarding my request and also your request to them. It has now been more than the 14 days that you told them. Is there anything more that you can do to get the requested recording please?

Many thanks and kind regards
Thomas

0123456789
lightbulbinventor@aolol.com

7. ICO to DS 7 day letter sent

From	**From ICO Casework** **ICO Casework**
To	**To** **Thomas Edison**
Cc	**Cc** **--**
Subject	**Subject Your email to the ICO - Case Reference IC-12345-A1B1** **Your email to the ICO - Case Reference IC-12345-A1B1**
Display Name	**Display Name ICO to DS 7 day letter sent** **ICO to DS 7 day letter sent**
Date Sent	**Date Sent Wed Sep 21 2022 16:16:24 GMT+0100 (British Summer Time)** **21/09/202216:16**

21 September 2022

Case Reference: IC-12345-A1B1

Dear Thomas Edison

Thank you for your email of 14 September 2022 and for informing me that you still have not received a response from Extortionate Energy.

I have now written to Extortionate Energy again explaining that we expect that they will respond to you within **seven days**. After this time, if you still do not receive any response, then please do let me know and I can make a record of the way in which Extortionate Energy has handled this matter.

Yours sincerely

Jack Frost
Case Officer

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T. 0330 12345 ico.org.uk twitter.com/iconews

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8. ICO to DC 7 day letter

From	**From ICO Casework** **ICO Casework**
To	**To** **dataprotection@Extortionateenergy.com**
Cc	**Cc** **--**
Subject	**Subject ACTION REQUIRED ICO Case Reference: IC-12345-A1B1** **ACTION REQUIRED ICO Case Reference: IC-12345-A1B1**
Display Name	**Display Name ICO to DC 7 day letter** **ICO to DC 7 day letter**
Date Sent	**Date Sent Wed Sep 21 2022 16:16:24 GMT+0100 (British Summer Time)** **21/09/202216:16**

21 September 2022

Case Reference: IC-12345-A1B1

Dear Data Protection Officer

The Information Commissioner's Office (ICO) wrote to you on 24 August 2022 explaining that we had some concerns about the way in which Extortionate Energy had handled a data rights request from Thomas Edison, and requesting that you took some steps to resolve the matter. Please find this letter attached for your convenience, alongside other relevant information.

We have been informed by Thomas Edison that Extortionate Energy **did not** provide him with a response as we requested.

I would like to take this opportunity to remind Extortionate Energy of Article 31 of the General Data Protection Regulations (GDPR), which states

'The controller and the processor and, where applicable, their representatives, shall cooperate, on request, with the supervisory authority in the performance of its tasks.'

Please be aware that the ICO keeps an ongoing record of the way in which organisations handle complaints that are raised with them, the

information we collect will feed into any regulatory action we may choose to take now or in the future.

Next steps

We expect that Extortionate Energy will now contact Thomas Edison **without undue delay and within the next seven days.** We also now expect that Extortionate Energy will provide the ICO with a copy of this response and any other relevant information you would like the ICO to put on record.

You can provide this information by reply to this email or by emailing icocasework@ico.org.uk, ensuring that the case reference **IC-12345-A1B1** is included in the subject line.

Yours sincerely

Jack Frost
Case Officer
Information Commissioner's Office
0330 123 45

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

9. DS to ICO Call Note

From	**Jack.Frost@ico.org.uk**
To	**To** **ICO Casework**
Cc	**Cc** **--**
Subject	**Subject IC-12345-A1B1 Call Note DS to ICO** **IC-12345-A1B1Call Note DS to ICO**
Display Name	**Display Name DS to ICO Call Note** **DS to ICO Call note**
Date Received	**Date Received Wed 28/09/2022 12:00**
Email Address	**Email Address "Jack Frost" Jack.Frost@ico.org.uk**

IC-12345-A1B1

Call from Thomas Edison (DS) at 12:00
0123456789

28 September 2022

Thomas called to explain that he had yet to receive any response from Extortionate Energy. He asked what would happen next.

I explained that Extortionate Energy still have until the end of the day to respond but at this point we believe we have now investigated the matter to a reasonable extent and do not intend to pursue the matter any further.

I reiterated that the ICO now have a full record about of the way in which Extortionate Energy have handled this matter. I further explained that while Thomas' specific concerns have not been resolved in the process of us undertaking our regulatory responsibilities, this information we have gathered is very valuable to us and will help us build a bigger picture of the way this organisation is practicing.

We discussed next steps that Thomas could take in terms of legal action and I explained that he should seek independent legal advice before

choosing that option. Thomas was disappointed that we were not going to take any further action but understood our process and hoped that it would be useful in the future. Thomas thanked me for taking the time to look at his concern.

Jack Frost
Case Officer

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10. Thomas Edison – Case in brief

Complaint

-SAR request not handled appropriately, still not received a copy of data or an adequate response.

DC is unresponsive.

Closure channel: Email

Outcome: *Informal Action Taken > Infringement > More Work for Org – unsatisfactory response to ind complaint*

Timeline:

1. DS to ICO complaint
2. ICO to DS Call – Complaint discussion
3. ICO to DC Infringement
4. ICO to DS Infringement

(Case closed here)

(Voicemail from DS received, call returned immediately)

5. ICO to DS Call Back
6. DS to ICO No response
7. ICO to DS 7 day letter sent
8. ICO to DC 7 day letter
9. DS to ICO Call note

Enquiries

In PADPCS, we deal with large volumes of written correspondence from members of the public.

Our role is to give clear, short, and snappy practical advice to written enquiries, either over the phone or in writing. It is our aim to respond to written enquiries within 7 days.

Processing Advice cases from sift

Public Advice enquiries can be found in the 'Public Advice Sift' queue. You should follow the demonstration from your trainer to locate and set up enquiries, working from the oldest in the queue first.

You may find the ICE search guide of assistance when checking for existing contacts.

Telephone closure

Where a telephone number is provided, it is often quicker and a better customer experience to answer a customer's enquiry by phone.

You should verify the customer's identity before proceeding to discuss the enquiry. This might be done by asking the customer to confirm their name, email address and nature of enquiry for example.

Once you have provided an answer to the enquiry, you should add a file note to the case to confirm the advice provide. You may find it useful to refer to our telephone closure procedure.

Drafting a written response

If we are unable to complete an enquiry by phone, you will need to respond in writing. Written responses should follow the Keeping it Clear Guide.

Responses should be concise at answering the specific question raised, avoid technical jargon, and hyperlinks should be used where possible to signpost the customer to our website guidance. You may find the Useful links guide helpful.

We have a number of Useful paragraphs (PA) available which can be adapted to help you answer some of the common enquiries we see.

Example responses

Please find below some model answers to some of the most common enquiries we receive:

Model answer 1 – unsolicited email example response

Model answer 2 – request for erasure example response

Model answer 3 – inaccuracy advice example response

Model answer 4 – incomplete SAR example response

Model answer 5 – disclosure example response

Practice questions

The following practice questions are written from an individual's perspective. The answers to each of these enquiries can be found on the ICO external website (www.ico.org.uk) and Knowledge Builder.

Generally, our written responses to enquiries adopt the structure used in the model answers above.

You should now have a go at the following practice questions, and send your written response to your LCO trainers when complete:

Practice Enquiry 1

Practice Enquiry 2

Practice Enquiry 3

Here are some further practice questions, relating to each DP training module, to complete upon instruction from LCO trainer:

UK GDPR module 2 – practice question

UK GDPR module 3 – practice question

UK GDPR module 4 – practice question

UK GDPR module 5 – practice question

UK GDPR module 6 – practice question

UK GDPR module 7 – practice question

UK GDPR module 8 – practice question

UK GDPR module 9 – practice question

UK GDPR module 10 – practice question

UK GDPR module 11 – practice question

UK GDPR module 12 – practice question

Further guidance

Further guidance on processing Public Advice cases can be found in the ICE – Enquiry Manual.

Case Study 1

Question

I've recently been involved in a dispute with my employer regarding my absence from work and would like to know if I can get a copy of my personnel file.

If the information in my file is incorrect can I make my employer correct it and will the ICO investigate my employer?

Case Study 2

Question

I have a very poor relationship with my neighbours. Recently they have installed CCTV cameras on their property.

I am extremely worried that the CCTV is watching me and my children. The cameras also appear to be capturing images of people on the road in front of the house.

I feel completely harassed by my neighbour. What can I do to stop my neighbour from doing this?

Case Study 6

Question

"Hi.

I submitted a Subject Access Request to a company I hold an account with and it was received by them via recorded delivery on [date 6 weeks ago].

I am aware that the company have 1 month to provide the requested information. To date I have not received the information and I am unable to get through to them by phone. Could you let me know what I can do in relation to this please?

Thanks."

GDPR Case study - module 2

"My wife has recently passed away. I am acting as her personal representative and have contacted her bank to obtain information about her investments. I have this morning received a letter from the bank refusing to provide me with a copy of her information. What can I do about this?"

GDPR Case Study – Module 3

I have found out that my employer has passed my personal information to HMRC without my permission. I've had a letter from HMRC and they now know where I work and how much I earn. This is personal and I didn't want anyone to know. I am really annoyed and unhappy about this as I never agreed to it. What can I do about this?

GDPR Case Study – Module 4

I was recently dismissed from my employment. The company is still holding all my personal information, for example, my bank details and sick notes. I don't believe they should still be able have these, especially after sacking me.

Please can help me get the company to destroy all my data immediately?

GDPR Case Study – module 5

"Yesterday when I went into the chemist to pick up my prescription, I noticed that they kept the prescription orders in a basket on the counter. Surely this is a breach of GDPR. I could clearly see the patient's name on the order on top of the pile as well as details of their medication. Someone could easily take the basket as the counter was left unattended and there were easily 10-20 prescriptions in there."

GDPR Case Study – Module 6

A local food bank has sent me a letter about how I can apply for weekly food parcels if I need them. I have never spoken to them before. They clearly have information about me but I don’t know where they got it from or what they know about me. What can I do about it?

GDPR Case Study – Module 7

Following a dispute with a neighbour, we were visited by a housing officer from the Housing Association we rent our property from. They interviewed us with regard to our complaint. We applied for a 'subject access review' and following the receipt of the officer's notes on the interview we made an official complaint.

The record contains a number of inaccurate and misleading statements.

Following an investigation the matter was passed to the data protection team and we received what in our opinion is a very poor response that is not in line with GDPR 2018.

Our complaint is as follows:

1. The Housing Association have refused as far as can be ascertained from the letter to delete this incorrect information.
2. We believe that it is a refusal to deletion and as such should have a detailed and clear list of reasons for the refusal in line with the current Regulations.

As you will appreciate we have a number of documents connected to this matter and subject to your request can make any document available via the electronic system, provided you are happy that electronic copies are acceptable.

GDPR Case Study – Module 8

The company that I work for has recently outsourced the payroll duties to another company in France. It really worries me that my personal data and payment details are being used by a company in another country. I obviously have no idea how the law works in France, but I am guessing they can do whatever they want with it, without me every knowing.

GDPR Case Study – Module 9

I have recently been a little bit of trouble with the Police. I have reason to believe that they got my address and contact details from my employer. I am disgusted that; a) the Police can do this, b) my employer have just given them my details, and c) nobody has told me this has happened. What can I do about this?

GDPR Case Study – Module 10

I was also recently involved in a fight outside a club. The police are making enquiries and I have been told that they have got the CCTV footage from outside the club. I am not happy that they have got those images of me and I was not told about this – can they do that?

I feel like they are going to lay the blame on me for the fight. Am I able to request a copy of the statements and CCTV footage they have in relation to the incident?

GDPR Case Study – Module 11

I've been the victim of a data breach by a large international organisation. They have leaked my data along with thousands of others which has been widely publicised in the media. I have complained to the organisation who have given me their final response and directed me to your office if I am not happy, which I am not. How do I bring this complaint to you?

What are you actually going to do about my complaint? What legal powers do you have to make sure this organisation is complying with the data protection law?

Can you fine them and if so how much? They need to pay for what they have done. I want compensation too.

Question GDPR Case Study Module 12

I have received a number of unwanted telephone calls. Some of the calls are from a company wishing to sell me a new boiler and some are asking me if I would like to claim PPI. I have pressed zero on my phone to try and stop these boiler calls and also told the company that I do not want to claim PPI and not to call me again but I keep receiving these calls. Can you stop these companies from calling me please?

Question 1 model answer explained

Q: I am receiving unsolicited emails on a daily basis. What can I do about it?

It answers the question first

The question is what the individual can do about receiving unwanted emails.

The answer should be to give the individual practical advice (using the website guidance).

It gives practical advice and the relevant website referral

The spam email guidance gives practical advice how to deal with unwanted emails. This should be used – instead of trying to cover all bases (eg whether the email is marketing, whether the email is from a UK based/legitimate company or whether the email is an individual/corporate address).

Where the answer/guidance exists on the website we do not have to repeat it in the response – just introduce it.

Dear Mr Barlow

Thank you for your email of 4 June 2019.

If the unsolicited emails you have been receiving are marketing emails, you can unsubscribe from them using the link within the email.

If there is no unsubscribe link provided, or if you have already unsubscribed but continue to receive them, you can report the emails to us.

You can also ask an organisation that is sending you marketing emails to stop using your personal data for marketing purposes. This is known as your right to object. Further guidance on how to do this, together with a template letter, can be found on the link provided.

I hope this information is helpful to you. If you would like to discuss this further, please contact me on my direct number 0330 313 XXXX. If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website.

Yours sincerely

It addresses the correct legislation

The focus on this response should be PECR – unsolicited emails should not be sent without prior consent, apart from in limited circumstances.

The right to object should be mentioned, as additional guidance.

It avoids jargon

The Privacy and Electronic Communications Regulations (PECR) and/or the General Data Protection Regulation (GDPR) do not need to be mentioned/quoted.
Simply explaining what the individual can do is sufficient in this example.
We should always use a style that suits the customer – the customer hasn't mentioned or asked about the legislation.

It doesn't include how to complain

The individual should be directed to the spam reporting tool and not be directed to make a DP/GDPR complaint at this stage.
Giving practical advice and suggesting the right to object is sufficient.
Explaining that they have the right to object prompts the individual to 'self-serve'.

Question 2 model answer explained

It answers the question first

The question is what the individual can do about the handling of their deletion request by an organisation. The answer is that the organisation has a month to respond to such a request.

It gives practical advice and sets expectations

We should give practical to the individual using the existing website guidance.
First, they should allow the DC a month to respond. If they do not get a response in that time they should raise their concerns with the DC (using our template).

We also need to briefly explain that this right is not absolute, and only applies in certain circumstances.

4 June 2019

Dear Mr Barlow

Thank you for your email of 3 June 2019.

On receiving a request to delete data, organisations have one calendar month to respond. If after one month from the date of your request you have still not received a response, you should contact your ex-employer to raise your concerns. We expect organisations to take your concerns seriously and work with you to resolve it.

I should advise that whilst you have the right to request data to be deleted it is not an absolute right, which means that it only applies in certain circumstances. You can find more information about when the right will apply by following the above link.

I hope this information is helpful to you. If you would like to discuss this enquiry further, please contact me on my direct number 0330 123 4567. If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at www.ico.org.uk. For information about what we do with personal data see our privacy notice.

Yours sincerely

It includes the relevant website link
The right to get your data deleted guidance gives practical advice to individuals about how and when an individual can ask a DC to delete their data. This should be used instead of trying to cover all bases.

If the answer/guidance exists (it does) on the website we do not have to repeat it in the response – just introduce it.

It's clear and avoids jargon
The General Data Protection Regulation (GDPR) or data protection legislation does not need to be mentioned/quoted.
Simply explaining what the individual can do is sufficient in this example.
We should always use a style that suits the customer – the customer hasn't mentioned or asked about the legislation.

It doesn't include how to complain
The individual should not be directed to make a DP/GDPR complaint at this stage – it's more appropriate to give practical advice and suggest that the individual takes steps to resolve the issue with the DC.

Question 3 model answer explained

Q: I have recently been in disciplinary meetings at work. The minutes of the meetings are incorrect. What can I do about it?

It answers the question first

The question is asking what the individual can do about a DC holding information about them they believe is inaccurate.

The answer should be to give the individual practical advice on how to exercise their right to have their data corrected (using the website guidance).

It gives practical advice and the relevant website referral

The right to get your data corrected guidance gives practical advice. This should be used – instead of trying to cover all bases in great detail (e.g. fact versus option and when a DC can refuse)

Where the answer/guidance exists on the website we do not have to repeat it in the response – just introduce it.

Dear Mr Barlow

Thank you for your email of 4 June 2019.

If you believe the information held about you within the meeting minutes is inaccurate, you have a right to get your data corrected. To exercise this right, you should contact your employer to explain what you believe is inaccurate in the minutes, and give them one calendar month to respond.

The right to have your data corrected is not absolute. This means your employer may say no to your request. For example, it may be that it is difficult to decide whether the information in the meeting minutes are inaccurate if the record relates to an opinion. Further information on your rights along with a template letter can be found in the above link.

I hope this information is helpful to you. If you would like to discuss this further, please contact me on my direct number 0330 313 XXXX. If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at ico.org.uk.
Yours sincerely

It manages expectations

It explains to the individual that the data may not be corrected to help manage their expectations.

It avoids jargon

The Privacy General Data Protection Regulation (GDPR) or data protection legislation do not need to be mentioned/quoted.
Simply explaining what the individual can do is sufficient in this example.
We should always use a style that suits the customer – the customer hasn't mentioned or asked about the legislation.

It doesn't include how to complain

The individual should not be directed to make a DP/GDPR complaint at this stage - giving practical advice and suggesting that individual takes steps to resolve the issue with the DC is more appropriate.

Question 4 model answer explained

Q: I have made a request for my personal details, but have not received all the information. What can I do about it?

It answers the question first

The individual wants to know what they can do about not receiving all the information they were expecting in response to a SAR.

The answer is that they may not be entitled to the information, but they should go back to the DC if they believe they have not received all the personal data they hold.

It gives practical advice and the relevant website referral
It gives practical to the individual using the existing website guidance.

Dear Mr Barlow

Thank you for your email of 12 July 2019.

Organisations are not always obliged to supply all the information you request. If you believe the organisation has not provided you with all the personal data that you are entitled to, you should first raise this in writing with them. Clearly explain what they have missed, and give them an opportunity to supply it.

Further information on exercising your right of access can be found on our website.

I hope this information is helpful to you. If you would like to discuss this further, please contact me on my direct number 0330 313 XXXX. If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at ico.org.uk.

Yours sincerely

It manages expectations
It explains to the individual that they may not receive all the information to help manage their expectations.

It avoids jargon
The General Data Protection Regulation (GDPR) or data protection legislation do not need to be mentioned/quoted.
Simply explaining what the individual can do is sufficient in this example.
We should always use a style that suits the customer – the customer hasn't mentioned or asked about the legislation.

It doesn't include how to complain
It does not direct the individual to make a DP/GDPR complaint simply because they do not believe they have received everything. The DC could legitimately have used exemptions or they may not hold the information, for example. The individual should try and resolve this with the DC in the first instance.

Question 5 model answer explained

Q: **I am angry that my personal information has been disclosed by the DVLA to a parking company without my consent. What can I do about it?**

It answers the question first:

The individual is unhappy that the DVLA have disclosed their information.

The answer is that the DVLA can disclose personal data to someone that demonstrates they have a reasonable cause to receive it. The DVLA does not need the individual's consent to do so.

It gives practical advice
Encourages the individual to take their concerns up with the DVLA should they feel the requestor does not have a reasonable cause to obtain the data.

Dear Mr Barlow,

Thank you for your email of 11 July 2019.

The DVLA can disclose vehicle driver details to parties who can demonstrate a reasonable cause to receive such information, and wouldn't need your consent to do so.

Taking into account the above if you feel that your personal information has been shared without a valid reason, you should raise your concern in writing with the organisation. This will provide them with the opportunity to explain their actions.

I hope this information is helpful to you. If you would like to discuss this enquiry further, please contact me on my direct number 0330 313 XXXX If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at www.ico.org.uk. For information about what we do with personal data see our privacy notice.

Yours sincerely

Case Officer
Information Commissioner's Office

It manages expectations
It explains to the individual that the DVLA does not need their consent to disclose their information should the requestor demonstrate a reasonable cause.

It avoids jargon
The General Data Protection Regulation (GDPR), Road Vehicles Regulation Act or Protection of Freedom regulation do not need to be mentioned.

Written responses should be suited to the customer – keep the answers conversational. Think about the way you would answer the same enquiry on the phone (you wouldn't quote the legislation).

It doesn't include how to complain:
The individual should not be directed to make a DP/GDPR complaint – it is unlikely that the disclosure would constitute a breach.

Useful Paragraphs – Individuals

Delay

Please accept my apologies for the delay in responding to you. We are currently dealing with a large number of enquiries, which has meant that we have been unable to deal with incoming enquiries as promptly as we would like.

Given the lapse of time I appreciate that your question may no longer be of relevance to you, however, we are making every effort to answer all the enquiries that have been raised with us.

Helpline Delay

I am sorry you couldn't reach us through our helpline. Recent changes to the law means there is currently a very high demand for all our services. But we are working hard to improve the speed of our response.

I know it can be frustrating when you can't get the advice you need. If you do need to speak to us, and you are able to hold, then we will answer your call as soon as we can.

Case chaser

Thank you for your email (copy attached). I can confirm we received your enquiry on xxxx. Your enquiry reference number is XXXX.

I am sorry for the delay in responding to you. We are currently dealing with a large number of enquiries, and are unable to deal with them as quickly as we would like.

We answer the enquiries we receive in date order and will respond to you as soon as possible.

Commissioner

I note that your enquiry was sent to the Information Commissioner. The Commissioner is not in a position to respond in person to the matters raised with his office by the public. My following response is therefore provided on behalf of the Information Commissioner's Office.

Complaints handling role

Under the GDPR, when we get a complaint our role is to see if it indicates that there has been an infringement of the GDPR and, if so, to decide if any further action is necessary.

Changing Legislation

In regards to changing existing legislation, you will need to contact your local MP to bring this matter to Parliament. We are an independent public body set up to uphold information rights and enforce the current law, we do not have the power to amend legislation.

Intelligence hub referral

Thank you for your concerns regarding [Org Name]. The issues that you have raised have been logged. Please be aware that it is unlikely you will hear anything further from us regarding this. However, if you have any additional information or evidence regarding this matter, please do provide it to us using this case reference.

Any action we take against organisations is published on our website.

Confirming whether breach has been reported

follow PDB flowchart in first instance. Any press enquiries relating to breaches should be directed to the Press Office.

It is an organisation's responsibility to fully assess a data breach and then consider whether or not they need to report it the ICO. Where possible, this should be done within 72 hours. If an organisation decides that a breach doesn't need to be reported they should keep their own record of it, and be able to explain why it wasn't reported if necessary.

People affected by a data breach can contact the organisation and ask for evidence relating to how the breach was dealt with internally, as well as what remedial steps the organisation has put in place. If dissatisfied with their response, people can bring their concerns to the ICO and we will look into the details.

Sign off

I hope this information is helpful to you. If you would like to discuss this enquiry further, please contact me on my direct number 0330 XXX XXXX

If you need advice on a new issue you can contact us via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at www.ico.org.uk. For information about what we do with personal data see our privacy notice.

Yours sincerely

NAME
Case Officer
Information Commissioner's Office

Raising a complaint

In the first instance you should contact [ORGANISATION NAME]. There is guidance on raising a concern with an organisation that can be found on our website.

How to complain - Requesting information (made in writing)

If you have contacted [ORGANISATION NAME] about the problem but have been unable to solve it, you can then raise a complaint with us by sending us a completed complaint form.

For complaints about obtaining information you should also send us relevant supporting evidence, for example:

- Your original request for information
- Any acknowledgement you received from the organisation, such as an acknowledgement letter or 'bounce-back' email.
- Any other letters or emails you sent to the organisation about your request.
- Any responses from the organisation.
- Any notes you have made about conversations you have had with the organisation e.g. to record dates, who you spoke to and what was discussed.

How to complain - Handling personal data

If you have contacted [ORGANISATION NAME] about the problem but have been unable to solve it, you can raise a complaint with us by sending us a completed complaint form.

For concerns about how your information was handled you should also send us relevant supporting evidence, for example:

- Any letters or emails you have sent to the organisation raising your complaint.
- Any acknowledgement and any other responses you received from the organisation.
- [ACCURACY] A copy of the inaccurate information or a description of what information you believe is inaccurate.
- [ACCURACY] Evidence that supports your view that the information is inaccurate.
- [DISCLOSURE] A description of when, and how, your information was disclosed.
- [DISCLOSURE] Details of who the information was disclosed to (if known)
- [DISCLOSURE] A copy of any evidence of the disclosure.

Individual's rights and verbal requests

Individuals can exercise their rights verbally but we recommend following any verbal request up in writing as this will provide proof of your actions if you decide to challenge how the organisation handles your request.

Before bringing a complaint to us you should allow the organisation one month to respond in writing to your request. You should also be aware that, where a request is complex or extremely time consuming, the organisation may be able to take longer to deal with your request. If this is the case, the organisation should let you know within a month of receiving your request.

Individual's rights and verbal requests - How to complain

If you have made a verbal request to an organisation and have not received a written response within one month from the date of your request, you can raise a complaint with us by completing our complaint form and providing us with:

- as much detail of the verbal request as possible, for example, the date and time, the name of the person you made the request to and any notes you may have made when making your request,
- a copy of any follow up written correspondence you sent to the organisation in relation to your request, for example, emails or letters, and
- a copy of any response you may have received from the organisation, for example, an acknowledgement email.

If you have received a full and final written response to your request and you disagree with the response you should, in the first instance, raise a complaint in writing with the organisation and allow it up to one month to respond to you. If you do not receive a response within this timeframe, or you continue to be dissatisfied with the response, you can then raise your complaint with us by completing our complaint form and providing us with:

- a copy of your written complaint to the organisation,
- a copy of any response you might receive to your complaint, and
- a copy of any further information you may have to support your complaint.

PECR - Live calls

Unsolicited live direct marketing telephone calls should not be made to a telephone number if that number has been registered with the TPS for 28 days or more.

PECR - Automated calls

Automated direct marketing calls, which usually take the form of a pre-recorded message, should not be made without prior consent.

Telephone Preference Service (TPS)

We would recommend that you register your telephone numbers with the TPS. TPS registration is free and takes 28 days to become fully effective.

The TPS's contact details are:
Telephone Preference Service
DMA House
70 Margaret Street
London
W1W 8SS
www.tpsonline.org.uk
Registration line: 0345 070 0707
Complaints line: 0207 291 3320

Reporting unwanted calls

Depending on the type of call you are receiving you may be able to report these to us. The best way to do this is via our dedicated reporting tool on our website where you can provide us with information about any nuisance marketing calls you have received.

Action we can take

We will use the information you provide to help us investigate and take action against those responsible. Due to the volume of reports we receive we don't respond to concerns individually but the information that individuals provide us is essential in helping us target our investigations towards those responsible. I would encourage you to report these and any additional nuisance calls you receive to us in this way.

There is lots of advice and guidance on our website about what you can do if you are receiving nuisance calls and the action we have taken against some of the organisations responsible for making these calls.

Blocking unwanted calls

Please note that we are not able to physically prevent or 'block' any organisation from calling a particular number as it is not within the Commissioner's powers to do so. However, your telephone service provider may be able to advise on call blocking systems and options.

Rynes (Neighbour) - CCTV

Data protection law doesn't stop individuals from installing cameras on or in their properties. However, if cameras capture images of people from outside the operator's boundaries (for example a public street or a resident's car park) the operator of the CCTV will be subject to data protection law and there are steps that they must take to comply with it. We explain these in our CCTV guidance.

If you don't believe that **[your neighbour/neighbours name]** has taken these steps and you would like us to write to your neighbour to remind them of their obligations, please provide us with their contact details by responding to this email.

I should explain that our powers to take action in such cases are limited. We can't make individuals stop using CCTV or make them reposition their camera. Any action we do take will likely be limited to writing to **[your neighbour/neighbour name]** to tell them about their obligations under data protection law. However, this will hopefully be enough to help us achieve our aim of improving information rights practice and compliance with the law.

Rynes (own property)

Data protection law does not prohibit the use of domestic CCTV. However, where it captures images beyond the boundaries of your property you will have obligations under data protection law.

In practice this means you need to consider a number of things, such as:

- Putting up signs to advise CCTV is in operation
- Assessing if the information collected is adequate and not excessive.

You can read more about domestic CCTV on our website.

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- Assessing if the information collected is adequate and not excessive.

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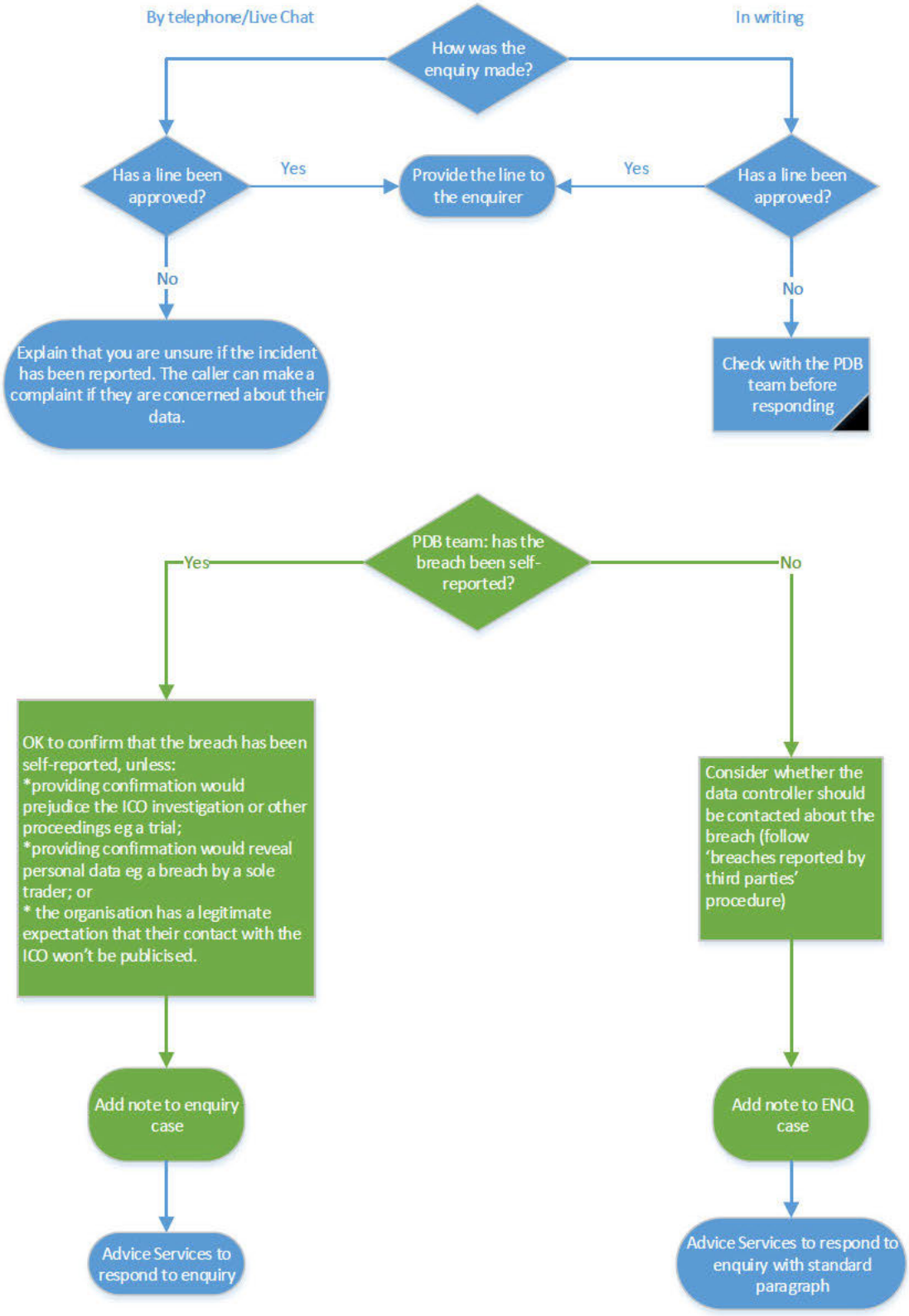
How to answer the question 'has the organisation self-reported this incident'? (media enquiries should be directed to the press office)



Skills matrix (manager and trainer use only)

Here you can find a skills matrix to record each trainee's progress throughout the Training School. Please refer to the grading system below.

Grade	Description
Beginner	Trainee has a basic knowledge and understanding of the skill and has had some practical experience, but requires a lot of support
Novice	Trainee has had some practical experience with the skill and sometimes need support
Expert	Trainee has experience with this skill and can work independently

Skills matrix

Skill: ICE360	**Grade**
Trainee can find and work on sift items from DP sift	Choose an item.
Trainee can set up standard cases	Choose an item.
Trainee set up domestic CCTV cases	Choose an item.
Trainee can set up postal cases	Choose an item.
Trainee can set up cases where another individual is acting on behalf of the data subject	Choose an item.
Trainee can set up cases where there is more than one data controller in the complaint	Choose an item.
Trainee can manage contacts where two individuals share the same email address	Choose an item.
Trainee can add subsequent correspondence to an existing case (whether it be an allocated or unallocated case)	Choose an item.
Trainee can complete decision and complaint reports	Choose an item.
Trainee can set up case officer reviews, service reviews, and manager review	Choose an item.
Trainee can draft presentable written correspondence on ICE360	Choose an item.
Trainee can check for existing contacts for both the customer and organisation to avoid duplicate contacts/accounts being created	Choose an item.
Trainee can verify an organisation's information using other resources and input this information into ICE360	Choose an item.
Trainee can check for existing cases from the customer about the organisation to ensure that duplicate cases have not been set up	Choose an item.
Skill: handling written enquiries	**Grade**
Trainee can write clearly and concisely in line with the ICO's corporate style and narrative	Choose an item.
Trainee can handle written enquiries within the SLA	Choose an item.
Trainee can handle postal enquiries	Choose an item.

Trainee can close enquiries over the phone when appropriate	Choose an item.
Skill: handling complaints	Choose an item.
Trainee proactively develops their legislative expertise to handle complaints	Choose an item.
Trainee can write clearly and concisely in line with the ICO's corporate style and narrative	Choose an item.
Trainee can handle complaints over the telephone when appropriate	Choose an item.
Trainee can label all correspondence on cases appropriately	Choose an item.
Trainee can verify an organisation's contact details to mitigate the risk of an inappropriate disclosure	Choose an item.
Trainee can handle complaints from customers with service adjustments appropriately	Choose an item.
Trainee can recognise whistleblowing concerns and can refer to the WB team when appropriate	Choose an item.
Trainee can recognise gender recognition concerns and can refer to the GR team when appropriate	Choose an item.
Trainee recognises when it is necessary to request a letter of authority from an individual, and what information this letter of authority should contain	Choose an item.
Trainee recognises when we need to request further information/evidence on a complaint and can handle the complaint accordingly	Choose an item.
Trainee can handle postal complaints	Choose an item.
Trainee is aware of when it is necessary to set up a service or manager review	Choose an item.
Trainee can recognise complaints that may be of interest to other departments and flags with LCO/TM accordingly	Choose an item.
Trainee is aware of the ICO's obligations when it comes to complaints handling, and feels empowered to deal with complaints in a way they see fit	Choose an item.
Trainee can recognise complaints that should be flagged for potentially falling within the 'V&V' threshold	Choose an item.
Skill: TouchPoint	**Grade**
Trainee can select the correct login class	Choose an item.
Trainee can put calls on hold and resume the call	Choose an item.
Trainee can transfer calls	Choose an item.
Trainee can end calls	Choose an item.
Trainee can complete the wrap	Choose an item.
Trainee can select a worktime option	Choose an item.

Trainee can select a breaktime option	Choose an item.
Skill: handling verbal enquiries (helpline)	**Grade**
Trainee can advise callers on a range of data protection issues	Choose an item.
Trainee can put the caller on hold while they find the answer to their query	Choose an item.
Trainee directs the caller to our online complaint form only when appropriate	Choose an item.
Trainee checks the daily bulletin before every shift	Choose an item.
Trainee is aware of our informal adjustment procedure and know how to take verbal complaints over the helpline	Choose an item.
Trainee is aware of our unreasonable behaviour policy and recognises when it may be appropriate to terminate a call	Choose an item.
Trainee can locate and complete the terminated call log	Choose an item.
Trainee manages expectations sensitively	Choose an item.
Trainee provides a high standard of customer care during helpline calls	Choose an item.

Skills matrix (manager and trainer use only)

Here you can find a skills matrix to record each trainee's progress throughout the Training School. Please refer to the grading system below:

Description	Grade
Trainee has a basic knowledge and understanding of the skill and has had some practical experience, but requires a lot of support	Beginner
Trainee has had some practical experience with the skill and sometimes need support	Novice
Trainee has experience with this skill and can work independently	Expert

Skills matrix

Skill: ICE360	Grade
Trainee can find and work on sift items from DP sift	Choose an item.
Trainee can set up standard cases	Choose an item.
Trainee set up domestic CCTV cases	Choose an item.
Trainee can set up postal cases	Choose an item.
Trainee can set up cases where another individual is acting on behalf of the data subject	Choose an item.
Trainee can set up a new case where necessary if there is more than one data controller in the original complaint (including downloading relevant information from the original and uploading to the new complaint)	Choose an item.
Trainee can check details given in the 'Information' section and amend where necessary	Choose an item.
Trainee can manage contacts where two individuals share the same email address	Choose an item.
Trainee can add subsequent correspondence to an existing case (whether it be an allocated or unallocated case)	Choose an item.
Trainee can extract documents from a case if necessary to add to another case	Choose an item.
Trainee can set up a snapshot	Choose an item.
Trainee can complete decision and complaint reports	Choose an item.
Trainee can set up case officer reviews, service reviews, and manager review	Choose an item.
Trainee can transfer a case to another case officer or work queue	Choose an item.
Trainee can draft presentable written correspondence on ICE360	Choose an item.
Trainee can check for existing accounts/contacts for both the customer and organisation to avoid duplicate accounts/contacts being created	Choose an item.

Trainee can verify an organisation's information using other resources and input this information into ICE360	Choose an item.
Trainee can check for existing cases from the customer about the organisation to ensure that duplicate cases have not been set up	Choose an item.
Trainee can check for similar cases about the organisation, such as self-reported breaches or similar complaint submitted by a number of individuals	Choose an item.
Skill: handling written enquiries	**Grade**
Trainee can write clearly and concisely in line with the ICO's corporate style and narrative	Choose an item.
Trainee can handle written enquiries within the SLA	Choose an item.
Trainee can handle postal enquiries	Choose an item.
Trainee can close enquiries over the phone when appropriate	Choose an item.
Skill: handling complaints	**Grade**
Trainee proactively develops their legislative expertise to handle complaints	Choose an item.
Trainee can use resources such as Knowledgebuilder and ICO website to find answers/policy positions	Choose an item.
Trainee can write clearly and concisely in line with the ICO's corporate style and narrative	Choose an item.
Trainee can handle complaints over the telephone when appropriate	Choose an item.
Trainee is aware of naming conventions and can label all correspondence on cases appropriately	Choose an item.
Trainee can verify an organisation's contact details to mitigate the risk of an inappropriate disclosure	Choose an item.
Trainee can handle complaints from customers with service adjustments appropriately	Choose an item.
Trainee can recognise whistleblowing concerns and can refer to the WB team when appropriate	Choose an item.
Trainee can recognise gender recognition concerns and can refer to the GR team when appropriate	Choose an item.
Trainee can recognise complaints from/on behalf of children or vulnerable adults and can handle these appropriately	Choose an item.
Trainee can recognise complaints relating to FOI or FOISA and can handle this appropriately – eg transfer the case to the relevant FOI queue or provide suitable advice to the complainant (eg to request an internal review for FOI, ICO cannot deal with FOIA)	Choose an item.
Trainee recognises when it is necessary to request a letter of authority from an individual, and what information this letter of authority should contain	Choose an item.
Trainee recognises when we need to request further information/evidence on a complaint and can handle the complaint accordingly	Choose an item.
Trainee can handle postal complaints	Choose an item.
Trainee is aware of when it is necessary to set up a service or manager review	Choose an item.

Trainee can recognise complaints that may be of interest to other departments and flags with LCO/TM accordingly	Choose an item.
Trainee is aware of the ICO's obligations when it comes to complaints handling, and feels empowered to deal with complaints in a way they see fit	Choose an item.
Trainee can recognise complaints that should be flagged for potentially falling within the 'V&V' threshold	Choose an item.
Trainee can provide appropriate advice (as far as possible) on next steps where the ICO is unable to assist	Choose an item.
Trainee can recognise complaints that do not fall within the ICO's remit eg service issues, complaints relating to information about deceased individuals.	Choose an item.
Trainee is aware how to handle complaints about controllers based outside the UK	Choose an item.
Trainee can provide suitable advice to manage the complainant's expectations eg explaining where individual rights are not absolute	Choose an item.
Trainee can recognise information requests to the ICO (SAR and FOI) and how to progress these – whether to they can be handled as normal course of business or referred to Information Access	Choose an item.
Skill: TouchPoint	**Grade**
Trainee can select the correct login class	Choose an item.
Trainee can put calls on hold and resume the call	Choose an item.
Trainee can transfer calls	Choose an item.
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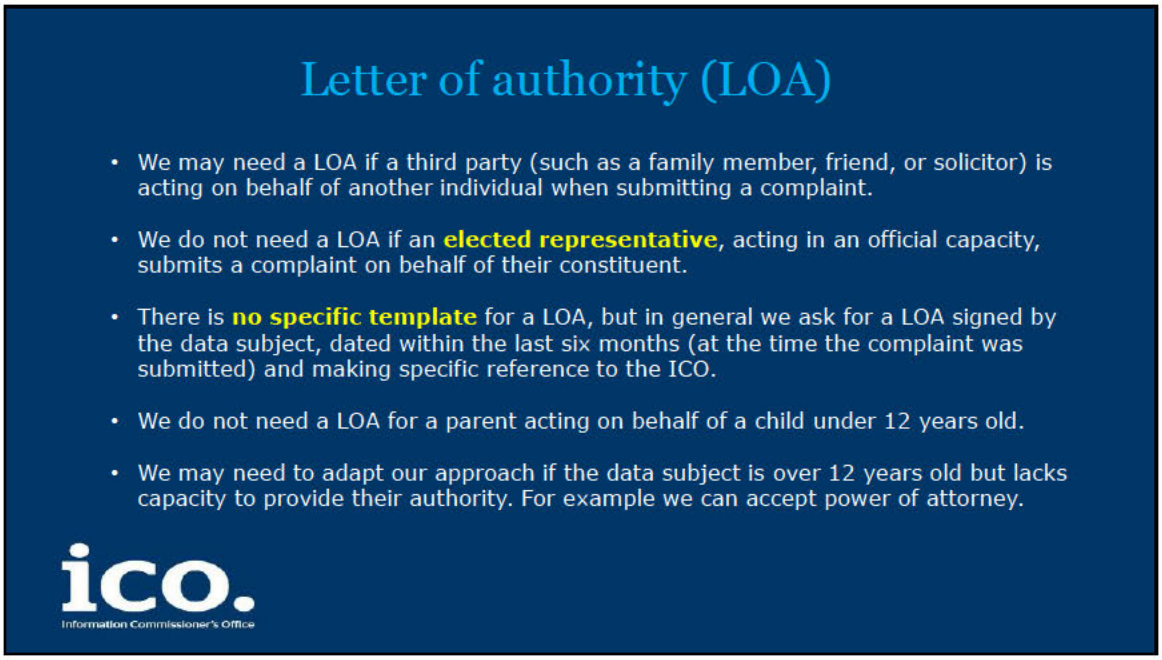
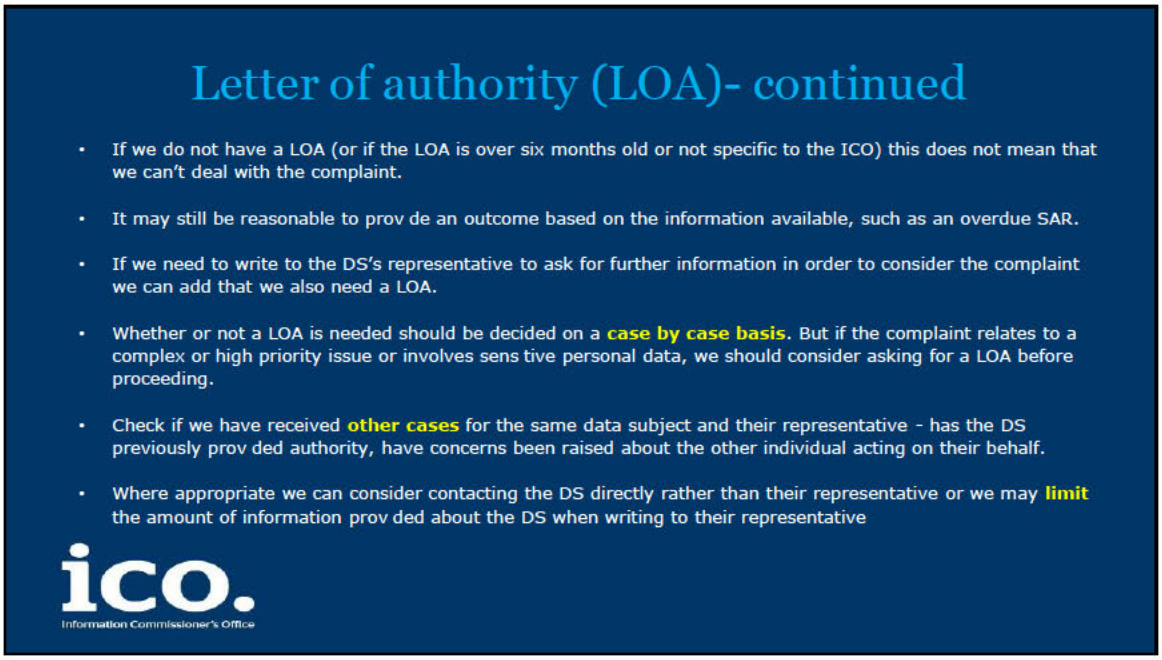
Trainee directs the caller to our online complaint form only when appropriate	Choose an item.
Trainee checks the daily bulletin before every shift	Choose an item.
Trainee is aware of our informal adjustment procedure and know how to take verbal complaints over the helpline	Choose an item.
Trainee is aware of our unreasonable behaviour policy and recognises when it may be appropriate to terminate a call	Choose an item.
Trainee can locate and complete the terminated call log	Choose an item.
Trainee manages expectations sensitively	Choose an item.

Trainee provides a high standard of customer care during helpline calls	Choose an item.
Trainee can recognise verbal SARs and progress these appropriately	Choose an item.



- Complaints on behalf of a child: this is separate to any decision made on the case, as this does not necessarily mean they are entitled to exercise their child's rights



- Providing an outcome without a LOA- For example, we might write to the DC to inform them of the complaint and advise that they need to respond to the SAR. In that instance we are unlikely to be providing any information the DS's representative is not already aware of and so any risk to the rights of the data subject are limited.

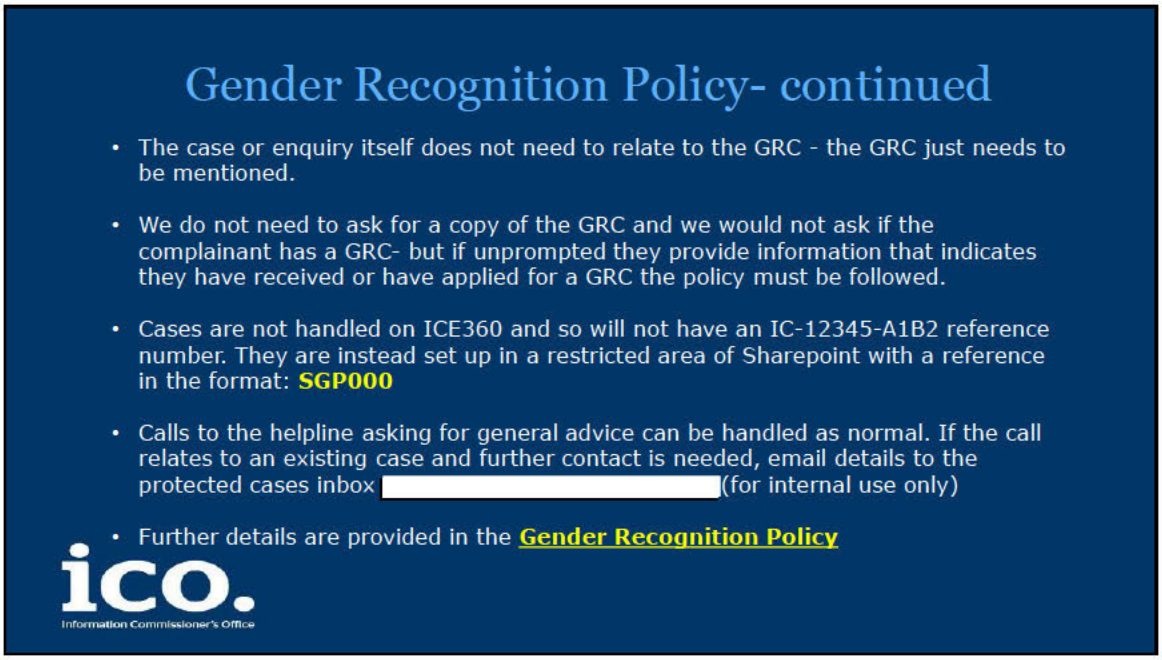
- We can add a line in our correspondence to the DS's representative to advise that we will require a LOA if they wish to correspond about the complaint any further.

- For example previous cases may indicate that the third party has attempted to act on the DS's behalf when the DS does not wish them to do so.

- Limiting info provided: This will reduce the risk of sharing information the DS may not want the other individual to know. For example, if providing an outcome it is enough to advise we consider there is more work for the DC to do and we have written

to them about their information rights practices, or advise we are satisfied they have complied with their obligations, without providing any further detail about our view.

- Show new starters where they can access our Gender Recognition Policy and talk through the key points.



- If the complainant advises they have received or applied for a GRC there is no need to ask for proof of this.
- It is for the complainant to decide if they want to inform us they have a GRC, we would not prompt them to do so
- Helpline calls for general advice are handled as normal
- If the call relates to an existing case with an SGP000 reference email the protected cases inbox.
- If the case has already been set up in ICE360 and the caller mentions a GRC you may wish to recommend they write to the case. At that point a new restricted case will be set up.