

06 July 2023

ICO Case Reference IC-241539-V8W1

Request for information

Request received 29 June 2023:

"RE: Newlyn Plc

- 1. Please can you provide a list of complaints lodged with the ICO.*
- 2. Please can you provide details of the actions taken by the ICO.*
- 3. Please can you provide a list of how many cases are yet to be given a case number or allocated to an ICO case officer."*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold information in scope of your request.

We pro-actively publish information about [Data protection complaints](#) to ICO on our website in our [Complaints and concerns datasets](#). The datasets show the outcome of each complaint, and can be filtered by the 'Submitted About Account' (the organisation being complained about). As this information is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA. Section 21 states that we do not need to provide you with a copy of information when you already have access to it. However, we have provided the links above for your convenience.

Some of the information requested, namely that from Quarter 4 2022/23 to date, is intended for future publication. As such, it is exempt from disclosure under section 22 of the FOIA. Please see below for more information on this exemption.

As of 5 July 2023, there are no complaint cases about Newlyn Plc yet to be given a case number or allocated to a case officer.

FOIA section 22

As explained above, we intend to publish some of the information you have requested. This means that it is exempt from disclosure under section 22 of the FOIA. This is not an absolute exemption, which means we must consider the public interest in disclosing or withholding the information.

The factors in favour of disclosing the information are:

- Openness about organisations that are the subject of complaints regarding their compliance with data protection legislation.
- Openness regarding the casework of the ICO.
- Openness regarding the action we take in response to complaints.

The factors in favour of withholding the information are:

- The ICO has a history of regularly publishing this information, and has committed to publishing further relevant datasets which will include the requested information. At that point, the information will be in the public domain anyway.
- Earlier disclosure is not necessary to satisfy any pressing public interest at this time.
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests would not be an efficient use of resources.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair, and discourage further engagement by the organisations involved.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

This concludes our response to your request.

FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail accessicoinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of your receipt of this response. Any such request received after this time will be considered only at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our FOI Complaints and Compliance team at the address given, or visit our website at [Official information concern | ICO](#).

Your information

Our [Privacy Notice](#) explains what we do with the personal data you provide to us and what your rights are. This notice includes entries regarding the specific purpose and legal basis for the ICO processing information that people such as [information requesters](#) have provided to us.

The length of time we keep information is laid out in our [retention and disposal policy](#).

Yours sincerely

Information Access Team

Risk and Governance Department

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For information about what we do with personal data see our [privacy notice](#)