

19 July 2023

ICO Case Reference IC-241173-H0N8

## Request

On 28 June 2023 you requested the following information:

*1. Kindly send me the ethnic breakdown of Executive Team with all directors as shown on page 2 of the structure at: <https://ico.org.uk/media/about-the-ico/documents/4021790/organisation-structure-ico.pdf> (also attached).*

*2. Should this structure have changed, would you please send me the updated one together with the corresponding ethnic breakdown.*

*3. Would you please send me the ethnic breakdown of the ICO employees by level of seniority, where:*

*Level 1 = ICO Board*

*Level 2 = Executive Team with all directors*

*Level 3 = Head of Departments*

*Level 4 = Middle Managers*

*Level 5 = Team Leaders / Supervisors*

*Level 6 = Junior Staff.*

*If this information is not available in that format, please send me the ICO Staffing numbers broken down by ethnicity.*

We have dealt with your request in accordance with the Freedom of Information Act (2000).

## Response

We hold some information that falls within scope of your request. Please note that all information we hold about the ethnic backgrounds of staff is based on self-declaration in relation to a list of pre-defined categories provided by the ICO. Members of staff are not required to provide this information to the ICO and the

data we hold reflects those who have chosen to do so and the categories they have selected.

Where the number in a category is less than 10 we believe that this is low enough to potentially enable the identification of individuals. We consider this to be personal data and have withheld those figures in accordance with Section 40(2) of the FOIA. More information about this exemption can be found on page 6 of this letter.

We hold this data for 1089 of our staff and the figures are below. Please note that the Commissioner is not employed by the ICO so is not included as we do not hold this information in relation to the post holder for that position.

*Kindly send me the ethnic breakdown of Executive Team with all directors as shown on page 2 of the structure at: <https://ico.org.uk/media/about-the-ico/documents/4021790/organisation-structure-ico.pdf> (also attached).*

Below is a breakdown of ethnic background for the executive team and directors combined.

<b>Category</b>	<b>Total</b>
Asian - Any Other Asian background (United Kingdom)	<10
Black - Caribbean (United Kingdom)	<10
White - Any Other White background (United Kingdom)	<10
White - British (United Kingdom)	18
White - English (United Kingdom)	<10
White - Irish (United Kingdom)	<10
White - Scottish (United Kingdom)	<10
(blank)	<10
<b>Total</b>	<b>29</b>

More detailed breakdowns (e.g. by individual staff) have been withheld in accordance with Section 40(2) of the FOIA as already mentioned.

*Should this structure have changed, would you please send me the updated one together with the corresponding ethnic breakdown.*

We do not hold a more up to date version of this structure.

*Would you please send me the ethnic breakdown of the ICO employees by level of seniority, where:*

*Level 1 = ICO Board*

Level 2 = Executive Team with all directors  
 Level 3 = Head of Departments  
 Level 4 = Middle Managers  
 Level 5 = Team Leaders / Supervisors  
 Level 6 = Junior Staff.

*If this information is not available in that format, please send me the ICO Staffing numbers broken down by ethnicity.*

Executive Team and Directors are provided above.

We have interpreted ICO Board to mean Management Board.

Management Board

Please note that the Management Board also includes the Executive Team (plus non-executive members), so there is partial duplication of the figures given in part 1 of your request.

<b>Category</b>	<b>Total</b>
Asian - Any Other Asian background (United Kingdom)	<10
White - Any Other White background (United Kingdom)	<10
White - British (United Kingdom)	<10
White - Irish (United Kingdom)	<10
(blank)	<10
<b>Total</b>	<b>15</b>

Head of Department

<b>Category</b>	<b>Total</b>
Asian - Indian (United Kingdom)	<10
Asian - Pakistani (United Kingdom)	<10
Black - African (United Kingdom)	<10
Unknown (United Kingdom)	<10
White - Any Other White background (United Kingdom)	<10
White - British (United Kingdom)	22
White - English (United Kingdom)	<10
White - Irish (United Kingdom)	<10
White - Scottish (United Kingdom)	<10
White - Welsh (United Kingdom)	<10
<b>Total</b>	<b>50</b>

## Manager

We do not use a category called 'Middle Managers'. We do hold figures for all People Managers (members of staff who manage at least one other member of staff) and these are provided below.

<b>Category</b>	<b>Total</b>
Any other Ethnic background (United Kingdom)	<10
Asian – Any Other Asian background (United Kingdom)	<10
Asian – Chinese (United Kingdom)	<10
Asian – Indian (United Kingdom)	<10
Asian – Pakistani (United Kingdom)	<10
Black – African (United Kingdom)	<10
Black – Caribbean (United Kingdom)	<10
Multiple Ethnic Groups – Any Other (United Kingdom)	<10
Multiple Ethnic Groups – White and Asian (United Kingdom)	<10
Multiple Ethnic Groups – White and Black African (United Kingdom)	<10
Multiple Ethnic Groups – White and Black Caribbean (United Kingdom)	<10
Prefer not to answer (United Kingdom)	<10
Unknown (United Kingdom)	<10
White – Any Other White background (United Kingdom)	<10
White – British (United Kingdom)	138
White – English (United Kingdom)	30
White – Irish (United Kingdom)	<10
White – Scottish (United Kingdom)	<10
White – Welsh (United Kingdom)	<10
(blank)	<10
<b>Total</b>	<b>211</b>

## Team Leader/Supervisor

We do not have any staff working under the job title of 'Supervisor' but we do have staff whose job title is 'Team Leader'. As the overall figure is less than 10 it has been withheld in accordance with Section 40(2).

<b>Category</b>	<b>Total</b>
White – British (United Kingdom)	<10
<b>Total</b>	<b>&lt;10</b>

## Operative

We do not use the category 'Junior Staff' so instead we have included the breakdown for all staff who do not fall into the above categories.

<b>Category</b>	<b>Total</b>
Asian – Any Other Asian background (United Kingdom)	<10
Asian – Bangladeshi (United Kingdom)	<10
Asian – Chinese (United Kingdom)	<10
Asian – Indian (United Kingdom)	10
Asian – Pakistani (United Kingdom)	<10
Black – African (United Kingdom)	11
Black – Any Other Black background (United Kingdom)	<10
Black – Caribbean (United Kingdom)	<10
Multiple Ethnic Groups – Any Other (United Kingdom)	<10
Multiple Ethnic Groups – White and Asian (United Kingdom)	<10
Multiple Ethnic Groups – White and Black African (United Kingdom)	<10
Multiple Ethnic Groups – White and Black Caribbean (United Kingdom)	<10
Prefer not to answer (United Kingdom)	12
Unknown (United Kingdom)	<10
White – Any Other White background (United Kingdom)	30
White – British (United Kingdom)	446
White – English (United Kingdom)	119
White – Irish (United Kingdom)	17
White – Other European (United Kingdom)	<10
White – Welsh (United Kingdom)	12
(blank)	70
<b>Total</b>	<b>785</b>

## Blank

We hold less than ten records where the job has not been categorised, therefore it does not fit into any of the above.

<b>Category</b>	<b>Total</b>
White – British (United Kingdom)	<10
White – English (United Kingdom)	<10
<b>Total</b>	<b>&lt;10</b>

*If this information is not available in that format, please send me the ICO Staffing numbers broken down by ethnicity.*

As the information we hold does not exactly match your categories, we have also provided overall figures for all staff.

<b>Category</b>	<b>Total</b>
Any other Ethnic background (United Kingdom)	<10
Asian – Any Other Asian background (United Kingdom)	10
Asian – Bangladeshi (United Kingdom)	<10
Asian – Chinese (United Kingdom)	<10
Asian – Indian (United Kingdom)	16
Asian – Pakistani (United Kingdom)	11
Black – African (United Kingdom)	13
Black – Any Other Black background (United Kingdom)	<10
Black – Caribbean (United Kingdom)	<10
Multiple Ethnic Groups – Any Other (United Kingdom)	<10
Multiple Ethnic Groups – White and Asian (United Kingdom)	<10
Multiple Ethnic Groups – White and Black African (United Kingdom)	<10
Multiple Ethnic Groups – White and Black Caribbean (United Kingdom)	<10
Prefer not to answer (United Kingdom)	15
Unknown (United Kingdom)	<10
White – Any Other White background (United Kingdom)	42
White – British (United Kingdom)	632
White – English (United Kingdom)	162
White – Irish (United Kingdom)	25
White – Other European (United Kingdom)	<10
White – Scottish (United Kingdom)	<10
White – Welsh (United Kingdom)	14
(blank)	87
<b>Total</b>	<b>1089</b>

### **Information withheld – Section 40(2)**

Some of the information you have requested includes personal data, and this has been withheld in accordance with Section 40(2) of the FOIA. This exempts information if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation.

We find that the condition at section 40(3A)(a) applies in this instance: that disclosure would breach one of the data protection principles. The principles are outlined in the General Data Protection Regulation (GDPR) with the relevant principle on this occasion being the first principle as provided by Article 5(1): that personal data shall be processed lawfully, fairly and in a transparent manner. We do not consider that disclosing this information into the public domain is necessary or justified. There is no strong legitimate interest that would override the prejudice to the rights and freedoms of the relevant data subjects. We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

Although individuals may not necessarily be identifiable to every member of the general public from the information requested, the ICO's [draft anonymisation guidance](#) notes that "*You should also consider whether the specific knowledge of others, such as doctors, family members, friends and colleagues could be sufficient additional information that may allow inferences to be drawn.*"

### **Advice and Assistance**

Please be aware that when requesting information about staff characteristics, if the numbers involved are sufficiently small as to risk identifying individuals, such data may be exempt in accordance with Section 40.

Further information about staff characteristics is published in our Annual Reports:

<https://ico.org.uk/about-the-ico/our-information/annual-reports/>

This concludes our response to your request.

### **Next steps**

Please come back to us in the first instance if you would like a clarification or a review of the way your request has been handled. If you remain dissatisfied you can then request a review of our decision under the FOIA or make a complaint about how your request has been handled by writing to the Information Access Team at the address below or email [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@ico.org.uk). Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered 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 & Appeals Department at the address below or visit our website if you wish to make a complaint under the Freedom of Information Act.

A copy of our review procedure can be accessed from our website [here](#).

## **Your rights**

Our [privacy notice](#) explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for [an information requester](#). Our retention policy can be found [here](#).

Yours sincerely,



Information Access Team  
Risk and Governance Department, Corporate Strategy and  
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