

By email

17 August 2023

**Case reference: IC-245761-Z6L2**

We are now in a position to respond to your information request.

**Request**

In your email you asked the following:

*"...please could you disclose a) any information you hold on the process you will follow if the recipient of a civil monetary penalty requests to pay in instalments (or indeed if you suggest it pays in instalments); b) how many times in the last five years have recipients requested to pay in instalments; c) how many times have you granted such requests?"*

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

**Our response**

Please find below the information we hold in response to your questions. Please note, some of the cases within scope of your request in the timeframe specified will have been looked at under the Data Protection Act (DPA) 1998 rather than DPA 2018.

a) any information you hold on the process you will follow if the recipient of a civil monetary penalty requests to pay in instalments (or indeed if you suggest it pays in instalments)

Please find enclosed our Financial Recovery Unit (FRU) 'Policy and procedure for payment plans'. This is for penalties and fines issued for serious breaches of the

Data Protection Act 2018 (DPA) and Privacy and Electronic Communications Regulations 2003 (PECR).

We have also enclosed the equivalent policy and procedure for payment plans for fixed fines issued for non-payment of the data protection fee. This is administered by our payments and penalties team (data protection fees team).

Payment plans include the option to pay by instalments or a single deferred payment. We do not include information about payment plans in our correspondence to organisations when we issue a penalty or fine.

b) how many times in the last five years have recipients requested to pay in instalments

We are not able to electronically extract this information from our casework management system as this is not a reportable field. We do centrally record the number of agreed payment plans. We have therefore conducted manual searches of the records we hold to identify any additional cases to the number of agreed payment plans, where we have received a request to pay by instalments in the last 5 years.

For records held by our investigations and FRU teams, we found 6 cases where there was some level of discussion about payment options but that did not progress to an agreed payment plan (see information in part c). This ranged from asking what the payment options were, asking if they could pay by instalments and asking about instalments of a specific amount. None of these progressed further than the enquiry stage and so none were refused by the FRU team.

We have been advised by our data protection fees team that there have been no additional requests to pay the fixed fines for non-payment of the data protection fee by instalments other than the payment plans that have been agreed (see information in part c).

c) how many times have you granted such requests?

We hold 18 cases where a payment plan has been agreed in the last 5 years for monetary penalties issued for serious breaches of DPA 2018 and PECR 2003 (FRU). None of these were for a single deferred payment.

We hold 16 cases where a payment plan has been agreed in the last 5 years for fines issued for non-payment of the data protection fee (data protection fees team). None of these were for a single deferred payment.

This concludes our response to your request. We hope you found this information helpful.

### **Next steps**

You can ask us to review of our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days. You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority. You can [raise a complaint through our website](#).

### **Your information**

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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