

18 August 2023

Reference number: IC-250696-Y7T5

Request

You asked us:

- *"Please will you provide to me the information of the three you have NOT produced on your site in the same format as the other three that were produced onto your site ?*
- *If you cannot produce this in the same format as the others then can you proceed in any format you wish as long as it is readable please ?*
- *Can you inform me why you have NOT produced these other three onto your site ?"*

This request was received as a follow up to case reference IC-238436-H4V9 in which we able to provide you with the details of three prosecutions that the ICO has complete under Section 170 of the Data Protection Act 2018.

We received your request on 8 August 2023.

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

Our response

In relation to the first point, having undertaken reasonable searches, we can confirm that we do not hold information in the scope of your request. This is because the ICO has not created press releases for the other three prosecutions.

In relation to point two, public authorities are [not required](#) to create or format information to respond to FOIA requests.

We are able to advise that we do hold information that could be used to create a press release. This information is exempt under section 40(2) and section 44 of the FOIA.

Where the information we hold is personal data belonging to an individual other than the requester, disclosure of this information would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. As such, we are withholding the information under section 40(2) of the FOIA.

Section 44(1)(a) of the FOIA states:

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"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."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here.

Point three is more of a query rather a request for information. Having contacted our Communications Team they have advised that they do not hold any recorded information about why there are no press releases. They did advise that, due to limited resources, they are not able to create press releases for every piece of work the ICO does.

This concludes our response to your request.

Next steps

You can ask us to review 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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