

20 July 2023

Case Reference IC-242404-M5Q2

Your request

You asked us for the following:

"Hi - I understand that in a recorded message for the Privacy Laws and Business conference yesterday (3 July 2023) John Edwards referred to advise having been recently given to a law firm on the subject of AI. I am interested to know what this advice was, and to have a copy, assuming it is held in the form of recorded information."

Where your questions satisfy the criteria of a valid information request, we have considered your request under the Freedom of Information Act 2000 (FOIA).

Our response

We can confirm that we do hold information within scope of your request.

Please find attached a copy of the advice you reference above.

Please note, the name of the advised party is exempt from disclosure under section 44 of the FOIA. We will explain this exemption below.

Moreover, we have redacted the name of the ICO member of staff under section 40 of the FOIA as we do not feel it fair and proportionate to disclose this information.

Section 44

Section 44(1)(a) 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. As a result the information is exempt from disclosure.

This concludes our response.

We hope you find this information helpful.