

4 September 2023

Our Reference: IC-249616-H3S8

Request

In your initial letter, received 4 August 2023, you asked us:

"We are aware a cyber-security incident suffered by FatFace on or around 17th January 2021 was reported to the Information Commissioner's Office ("ICO").

We make a Freedom of Information Request under section 1 of the Freedom of Information Act 2000 ('FOIA') for information regarding a cyber-security incident reported by, or on behalf of FatFace, on or around 17th January 2021.

We also make a further Freedom of Information Request under section 1 of the Freedom of Information Act 2000 ('FOIA') for information regarding the current position of the ICO investigation into the cyber-security incident and if a decision has been made.

If a decision has been made, we would be grateful for a copy of that decision, a summary of the same and the full report regarding the matter."

On 14 August 2023, we asked you to clarify your request.

You responded on the same date with the below:

"I note our request is split into three parts:

1) We make a Freedom of Information Request under section 1 of the Freedom of Information Act 2000 ('FOIA') for information regarding a cyber-security incident reported by, or on behalf of FatFace, on or around 17th January 2021.

Please provide us with information regarding how the incident was reported and a copy of any such notification to you.

2) We also make a further Freedom of Information Request under section 1 of the Freedom of Information Act 2000 ('FOIA') for information regarding the current position of the ICO investigation into the cyber-security incident and if a decision has been made.

Please confirm what the position of the investigation and, if it has concluded, please confirm a decision has been made.

3) If a decision has been made, we would be grateful for a copy of that decision, a summary of the same and the full report regarding the matter.

Please provide a copy of the decision (if there is one) or advise to the contents of that decision."

We received your request on 14 August 2023 as this was the date we received your clarification.

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

Our response

Having searched our records we can confirm that we hold some information in the scope of your request. We will respond to your requests below.

1. We can confirm solicitors representing Fat Face reported a breach to us by email on 22 January 2021. This is withheld due to Section 44 of the FOIA.

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.

2. While we do not hold recorded information about this, the relevant team has advised that the investigation is ongoing and no formal decision has been made at the time your request was received.

3. Due to the above, we do not hold information in the scope of this part of your request.

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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