

24 July 2023

IC-242247-B9P4

## **Request**

You asked us:

*"4. I want the GDPR/ICO documents/rules etc which allow the defence to meet with ICO to plead their case in secret and `closed door` where I, the victim, am excluded from such.*

*5. I want the Victim Right of Review Policy document/s and any related relevant documents.*

*I want any explanatory/guidance documents relating to the above and other documents to help me understand the procedure and to complete such.*

*6. I want any overviews, other guidance notes, forms/documents etc including time-line factors involved which are not included in the above. Such to aid me submit my appeal within the allotted time-frame/s.*

*I want the documentation which states time-lines and other relevant information to aid me in my appeal.*

*7. Any other sources of advice and information to enable me launch and manage my appeal effectively with full information for me to be able to have my appeal heard with all evidence available to me.*

*8. The relevant GDPR/ICO documentation which allows ICO to notify me of the caution and not include information that I can appeal and/or have the case and decision reviewed. Such absence is misleading as it infers I have no further say in the case,"*

We received your request on 25 June 2023.

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

## **Our response**

We have responded to each part of your request below.

## **4**

There is no recorded information which falls within the scope of this part of your request.

I have contacted the relevant area of the business who have confirmed that there is no duty in law to include a victim in negotiations, such as those you are referring to in part 4 of your request, and no relevant ICO guidance or policies.

It may help to explain that negotiations with a defendant proceed on a 'without prejudice' basis. Without prejudice communications are a principal that has been developed by the Court through case law to encourage parties to resolve their differences and conclude a matter. These communications are confidential and in most circumstances are not disclosable.

Victims are invited to provide a victim impact statement which is included in the case file. These statements are obtained to acquire details of the impact of the offending on the victim and are considered when making decisions on how to deal with individual cases.

## **5**

The [ICO right to review scheme for victims of crime](#) is available on our website.

## **6**

As you will be aware, following correspondence received from our Criminal Investigations Team, there is no right of appeal in this circumstance.

We can direct you to our [prosecution policy statement](#) which may assist you in understanding the decision making process. The [Regulatory Action Policy](#) may also have some general relevance to this part of your request.

You may wish to seek independent legal advice to establish whether there are any legal routes available to you.

## **7 and 8**

As noted above, there is no relevant right to appeal. We therefore do not hold any information which would fall within the scope of these parts of your request.

We are subject to the [Ministry of Justice \(MoJ\) Victims Code 2020](#) which may be of interest to you.

Where the information which falls within the scope of your request is already publicly available it is technically exempt from disclosure under section 21 of the FOIA, however the links provided will take you directly to the relevant documents.

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