

12 September 2023

## **IC-255328-P4N9**

### **Request**

We received your request on 7 June. You asked for the following information:

*I ask to be provided with the information held in respect of this matter; the sharing of data when a collision has taken place, your exchanges with the NPCC and others concerning the practice*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

### **Our response**

It is not possible to confirm the extent to which we hold information falling within the scope of your request. This is because conducting the relevant searches would breach the cost limit envisaged by section 12 of the FOIA. Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit.

I have provided some more detail about why this is the case in this instance below, along with some advice about how a refreshed request, with a more narrow scope, may elicit information which is of interest to you.

### **FOIA section 12**

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Under data protection legislation, individuals have the right to lodge a complaint with the ICO as the relevant supervisory authority in the UK. The details of these complaints, along with the details of thousands of other enquiries and concerns regarding the other laws we oversee, are processed within a casework management system.

An electronic record is created for every case, every complainant and every 'complained about' organisation. This is because part of our role is to improve the information rights practices of organisations by gathering and dealing with concerns raised by members of the public.

The system allows us to search for the cases we have dealt with in a number of different ways, such as by the unique reference number the case was given, the name and address of the person who contacted us and the name of the body that has been complained about. We can also search for cases on the basis of the broad nature of the complaint, such as that it relates to subject access.

However it is not possible to electronically search for the subject matter of the case to the level of detail that you have provided- i.e. that it relates to the sharing of data when there has been a collision. Given that you have asked for correspondence with the NPCC or anyone else, it is possible that this issue could have come up and been discussed with external parties in the correspondence of any data protection complaint. This could also have been discussed within correspondence about any personal data breach case.

As such, to establish the information that we hold and which falls within the scope of request would require a manual search at the correspondence on thousands of cases. Additionally we would need to undertake searches with other ICO departments outside of casework such as our assurance and relationship management teams to determine whether they had corresponded with any external parties about this topic.

These searches would stretch to far in excess of the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA.

## **Advice and assistance**

If you were to narrow down your request to correspondence exchanged with the NPCC only about this topic, we would be able to respond without breaching the costs limit in s.12, however this does not preclude that exemptions may apply to any information held. It would also be helpful if you could elaborate further on the topic that you are interested in i.e *the sharing of data when a collision has taken place*, to help us to determine whether we do hold any information in scope.

## **FOI review procedure**

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@ico.org.uk).

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

## **Your information**

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



Information Access Team  
Corporate Planning, Risk and Governance Directorate  
Information Commissioner's Office, Wycliffe House, Water  
Lane, Wilmslow, Cheshire SK9 5AF  
[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)  
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