

31 August 2023

Dear [REDACTED]

Case Reference IC-251006-K1Y7

Request

You asked us for:

"I would like to know how the money that is received from data breaches (Such that from BA (2020) or TikTok (2023)) is spent. Can you please provide a breakdown of percentages of areas."

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

Our response

Fines issued by the ICO are paid into the Government's Consolidated Fund. Each year, the Government publishes a report on the income and expenditure of the Consolidated Fund. For example, the report for 2021-2022 can be found [here](#).

From 1 April 2022, HM Treasury has allowed the ICO to retain up to £7.5m per financial year to cover pre-agreed, specific, and externally audited enforcement and litigation costs. Further detail about this agreement can be found in the agreement published [on our website](#).

Further detail about how the ICO is funded can be found on the '[How We Are Funded](#)' page on our website.

The fine to British Airways was issued in 2020. As this was before the agreement with HM Treasury, this means that the totality of the fine was paid into the Government's Consolidated Fund.

The fine issued to Tiktok is one of 9 monetary fines issued by the ICO so far in 2023. As described above, the ICO is only able to retain up to £7.5m of all fines issued over the whole of the year. All of the £7.5m will be spent on enforcement and litigation costs.

All of the enforcement action taken by the ICO, including fines issued, can be found [on our website](#).

As all of the above information is already publicly available, it is technically withheld under section 21 of the FOIA. Section 21 exempts information from disclosure when it is reasonably accessible to the requestor through means other than a request under FOIA. It is an absolute exemption, which means it is not necessary for us to consider any public interest test.

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