

28 July 2023

**IC-244653-J8V6**

**Request**

You asked us:

- "1. Does ICO have any policy decision about Complainees those (who are as clever as ICO and who) use their position in their malicious organisational behaviour, and breaches the Data Protection, FOI and GDPR rules constantly and recklessly?*
- 2. If ICO has 'Policy Decision/s' in this respect, could you please send copies of the decision/s?*
- 3. What do you do if ICO identifies that the complainee is systematically distorting facts, or creating unacceptable and unreasonable excuses to defy DPA and FOIA and GDPR rules or simply lying to the Regulator (ICO) and/or to the complainant or both and this act is evidenced by the documents supplied?*
- 4. If there is any policy decisions in respect of above, could you please send copies or links (if they are in public domain)?*
- 5. Does ICO train its case workers as much as (to a minimum level) they can identify whether the complainee and the complainant is not telling the truth?*
- 6. If they are trained, what they do?*
- 7. If a case worker identifies that the complainee is deliberately distorting the fact/s, and this is evidenced by documents, does the case worker express his/her concerns and asks for your expertise or authority as the General Counsel of ICO?*
- 8. What do you do if ICO does not discharge its statutory duties against public authorities who breaches the DPA 2018, FOIA 2000 and UK GDPR rules by distorting the facts and infringes the Complainant's statutory convention rights?"*

We received your request on 12 July 2023.

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

## **Our response**

I have grouped each of your questions according to the types of information they are seeking.

### **Questions 1 to 4**

In these requests, you have referred to 'policy decisions' and whether we hold any regarding the behaviour of complained-about organisations. We have read this request as a request for any policies that cover the scenarios you have described.

I can confirm that we do not hold any policies that specifically relate to the situations described, but we do have policies regarding our approach to our regulation of organisations and the situations in which we may take action.

Our [regulatory action policy](#) covers our overall regulatory powers as defined in the Data Protection Act 2018, and outlines our approach towards using them. We also have a [regulatory manual specific to our FOI regulation](#).

### **Questions 5 to 6**

These requests relate to the training of our case officers in handling complaints, and specifically whether they are trained to identify whether a complainee or complainant is not telling the truth.

I can confirm that there is no specific training that our case officers undertake in the manner you have described. Staff who deal with complaints go through comprehensive training on information rights legislation in order to assess complaints brought to us.

We have previously handled requests relating to the training that our complaints staff go through. I would recommend reading through the disclosures available on our disclosure log for cases [IC-236327-C7Q7](#) and [IC-203074-K3Y8](#). The information available on these two disclosures should prove useful and give you an overview of the training our complaints staff receive.

### **Questions 7 to 8**

We have identified that these are not requests for recorded information held by ourselves, and so are not valid FOI requests.

To provide some advice, the scenario described in question 7 is not something

covered specifically by any policies or procedures. In such a scenario, the action taken by the case officer would depend entirely upon the context and specific circumstances of the case itself.

Regarding your eighth question, I can advise that if you believe your data protection rights have been contravened in some way, and you do not believe the ICO has taken appropriate action in response, you are entitled to apply to a court.

If you have further questions regarding any of our policies, you should review the [policies we publish on our website](#) first to see if any cover your particular concerns.

### **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