

14 June 2023

ICO Case Reference: IC-237547-D8B5

Request

On 12 June 2023 you made the following request:

"Please provide details of the complaint and the persons name. I believe this complaint may or may not be of a malicious nature and identifying the individual making the complaint and the nature of it will help to determine its nature."

When we asked for clarification, you confirmed that this relates to complaint case [REDACTED].

We have dealt with your request for information under the provisions of the Freedom of Information Act 2000 (the FOIA). This legislation entitles a requester to recorded information held by a public authority, unless an appropriate exemption applies.

Response

We can confirm that we hold information that falls within the scope of your request. However, this information, which was provided to us by the complainant in this matter, constitutes their personal data. This includes their name and the requested details about their complaint, which may be used to identify them. Therefore we consider that the exemption at section 40(2) of the FOIA applies.

When the circumstances of a complaint indicate that an infringement of the legislation we oversee may have occurred, we take the view that complainants do not generally expect their details to be publicly disclosed, and in doing so made available to the individual or organisation who is the subject of their complaint.

Generally speaking we take the view that any disclosure of this correspondence in circumstances such as this would be unfair, and would therefore be in contravention of the first data protection principle. This requires personal data to be processed lawfully, fairly and in a transparent manner in relation to the data

subject. In such circumstances it would be appropriate for us to withhold the information in scope of your request in reliance on the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a).

We provide a complained-about body (or person) with sufficient information regarding the complaint in the course of our handling of it. It is therefore not necessary to disclose further information, and in doing so contravening the first data protection principle.

Advice and assistance

If there is any further, specific, information which you require in order to fully respond to the issues raised by this complaint, which is being dealt with under reference number [REDACTED] please let the case officer know so that they can provide you with an appropriate response.

You can contact the case officer by using [REDACTED] in the email subject line and quoting this reference in any correspondence you send us about this matter. For general advice please use the contact details provided below:

<https://ico.org.uk/global/contact-us/>

This concludes our response to your request.

Next steps

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.

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,



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Risk and Governance Department, Corporate Strategy and
Planning Service
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