

9 October 2023

## **IC-257254-T7Y5**

### **Request**

We received your request on 12 September. You asked for the following information:

*I am seeking information held by the Information Commissioner's Office in respect of Commissioner John Edwards' emails or any other internal or external communications to or from him which contain the terms "trans", "trans rights", "trans-exclusionary radical feminism", "terf" or "gender critical".*

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**

We do hold some information within the scope of your request. I have provided copies of this information, some white redactions have been made to information which is outside of the scope of your request, in that it covers separate topics from the sections of those documents which contain any of the words you have listed. None of the redacted information contains the words you have listed or is about the subject areas related to those words.

For the People Manager's Briefing on page 22, I have included only the introductory slides and the slide containing the referenced words, the remainder of the document was about unconnected topics and does not contain any of the listed words.

The redacted information on page 28 and 29 contains sensitive details about ICO investigations and is out of scope in that it does not include any of the words you have listed and is not about subjects related to those words.

Some redactions have been made to the personal data of ICO members of staff and this information is withheld pursuant to s.40(2). Further information about this has been provided below.

## **FOIA section 40(2)**

You will see that some of the third-party personal data has been redacted in our response.

Section 40(2) of the FOIA exempts information if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation.

We find that the condition at section 40(3A)(a) applies in this instance: that disclosure would breach one of the data protection principles. The principles are outlined in the General Data Protection Regulation (GDPR) with the relevant principle on this occasion being the first principle as provided by Article 5(1): that personal data shall be processed lawfully, fairly and in a transparent manner.

We do not consider that disclosing this information into the public domain is necessary or justified, particularly in the light of the sensitivity of the issues raised in your request. There is no strong legitimate interest that would override the prejudice to the rights and freedoms of the relevant data subjects. We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

## **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

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