

9 October 2023

## **Case Reference IC-257352-N1X6**

### **Request**

A request for the details and outcome of data protection complaints made to the ICO arising out of a subject access request (SAR) about the disclosure of CCTV footage of individuals captured by an organisations' CCTV systems.

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 likely that we hold information within the scope of your request, as we may have received complaints where an organisation has not disclosed CCTV footage to a data subject. However, for the reasons given below, we are unable to confirm the extent to which we hold this information. Therefore, unfortunately, we are refusing your request under section 12 of the FOIA as the identification, compilation and disclosure of the information requested would breach the cost limit as laid out under that section of the act.

Section 12 of the FOIA is clear that a public authority (such as the ICO) 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 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

Under data protection legislation, individuals have the right to make a complaint to the ICO as the relevant supervisory authority in the UK. This includes complaints about an organisations' response to a SAR for CCTV footage. The details of these complaints, along with the details of thousands of other enquiries and concerns regarding the 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.

We can search our records electronically using a number of different search criteria, such as the name of the organisation complained about, the date we received the complaint and closed the case, and the broad subject matter of the complaint, such as that it was about a subject access request or the fair processing of personal data. However, we would not be able to search electronically for cases by subject matter for the level of detail that you have requested i.e., complaints about an organisations' disclosure of CCTV footage, the outcome of those complaints and details of any subsequent action taken by the organisation. As our case management system is unable to produce an automated report for the information you are seeking, we would need to undertake a manual search of our records to locate the information requested.

As you will see from our [Annual report 2022-23](#), in the financial year 2022-2023 alone, the ICO handled 33,753 data protection complaints. In addition to the complaints referred to in our annual report for 2022-2023, we hold thousands of other data protection complaint cases that fall outside of the timeframe of the annual report. Given the number of complaint cases we would need to search for the information requested, even if each search of a case file were only to take a few minutes, the total search time would clearly be far in excess of the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

### **Advice and assistance**

In line with our duty to advise and assist you, even if you limited your request to CCTV complaint cases in a specific sector, or in a specific time period, you would have to narrow this down to such a short period of time that we would be unlikely to find a relevant case, even though significant work would be involved in the searches.

We should also advise that we could not guarantee the accuracy of the results provided following a manual search.

If you believe that complaints of the type you have described are likely to have been made about a particular organisation, you could submit an information request about such complaints within a specific time period, and we would consider if we are able to respond to the request without hitting the costs limit of s.12.

However, if you do make such a request then, we would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of search, or whether it represents an unreasonable burden on us as a public authority, particularly given the issues regarding accuracy above.

You may be interested to know that we publish the basic details of all the complaints we handle on our website [here](#), and you may find this information useful in finding out about the numbers and types of complaint that we've handled against particular organisations or sectors and the outcomes. This is also a good guide as to the type of information that we're able to produce and disclose on a large scale in relation to our complaint cases.

We hope this information is of use to you.

This concludes our response.

### **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



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