

25 October 2023

ICO Case Reference IC-264905-Y4R8

Request for information

Request received 19 October 2023:

"For the last 20 quarters (5 years) for which data is available – hopefully up until the end of September 2023 – please can you provide me with data on:

- The number of businesses that have simply reported a breach to the Information Commissioner's Office (ICO).*
- As part of this, please break down the data based on the business sector that the business reporting the breach is primarily associated with."*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We hold some information in scope of your request. We do not hold information for the past five years because casework is deleted in line with our [Retention and Disposal Policy](#).

We are withholding some of the information under section 21 of the FOIA because it is reasonably accessible to you already. We are withholding other information under section 22 of the FOIA because we intend to publish the information in future.

You can access some information you have requested in our [Complaints and concerns data sets](#), specifically the [Personal data breach \(PDB\) data sets](#). The currently published data sets range from quarter 4 of 2020/2021 to quarter 1 of 2023/2024 inclusive. The information requested for quarter 2 of 2023/2024 will be published in future.

Section 21 FOIA

The information above is already reasonably accessible to you, so technically it is withheld under section 21 of the FOIA. Section 21 states that we do not need to provide you with a copy of information when you already have access to it. However, we have provided the links above for your convenience.

Section 22 FOIA

Information is exempt from disclosure under section 22 of the FOIA if it is to be published at a future date. This is not an absolute exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

- Openness about organisations that make PDB reports to ICO regarding their compliance with data protection legislation.
- Openness regarding the casework of the ICO.
- Openness regarding the action we take in response to PDB reports.
- The understandable interest of the public, and people affected by specific incidents, in the details of data breaches.

The factors in favour of withholding the information are:

- The ICO has a history of regularly publishing this information, and has a commitment to publishing further data sets which will include the requested information.
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests would be an inefficient use of resources.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair, and discourage further engagement by the organisations involved.

Having considered these factors, we are satisfied that it is appropriate to withhold this information intended for future publication.

This concludes our response to your request.

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 accessicoinformation@ico.org.uk, or the postal address below.

Your request for internal review should be submitted to us within 40 working days of your receipt of this response. Any such request received after this time will be considered only 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 the ICO in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our FOI Complaints and Compliance team at the address given, or visit our website at [Official information concern | ICO](#).

Your information

Our [Privacy Notice](#) explains what we do with the personal data you provide to us and what your rights are. This notice includes entries regarding the specific purpose and legal basis for the ICO processing information that people such as [information requesters](#) have provided to us.

The length of time we keep information is laid out in our [retention and disposal policy](#).

Yours sincerely

Information Access Team

Strategic Planning and Transformation

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For information about what we do with personal data see our [privacy notice](#)