

22 August 2023

## Case Reference IC-252280-V3S7

### Your request

You asked us for the following:

*"The article does not provide the date Merseyside Police contacted you about the breach.*

*1. Please provide recorded information relating to the time it took Merseyside Police to report the breach.*

*The article further states that Mr Beecham was found not guilty "of two counts of breaching section 170 of the Data Protection Act 2018, which makes it illegal to 'knowingly or recklessly obtain, disclose or procure personal data without the consent of the data controller'."*

*2. Please provide internal guidance used to determine whether people alleged to have breached section 170 of the Data Protection Act 2018 should or should not be prosecuted."*

Where your questions satisfy the criteria of a valid information request, we have considered your request under the Freedom of Information Act 2000 (FOIA).

### Our response

We can confirm that we hold information within scope of your request.

1. Our records show that the breach was discovered on 27 June 2019 and reported to the ICO on 28 June 2019.
2. The ICO relies on the Crown Prosecution Service (CPS)'s [The Code for Crown Prosecutors | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk) and the ICO's own [ico-prosecution-policy-statement.pdf](https://ico.org.uk/for-organisations/our-policies/ico-prosecution-policy-statement) to determine whether prosecution is to be pursued. Our [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk/for-organisations/our-policies/regulatory-action-policy) contains reference to decision making regarding action we take, including prosecutions.

This concludes our response.

We hope you find this information helpful.