

26 October 2023

Case Reference IC-261034-B0M8

Your request

You asked us for the following:

"1...Since 1 March 2022 has the ICO issued new employees and or existing employees with written advice and or guidance about microaggressions and or unconscious bias in the workplace. This advice will include but will not be limited to definitions and explanations of microaggressions and unconscious bias. It will also include but not be limited to examples of the kind of microaggressions and unconscious bias which can occur in the workplace. It will include but not be limited to an explanation of the negative impact microaggressions and unconscious bias can have in the workplace. It will include but not be limited to information about what can be done to highlight, challenge and tackle microaggressions and unconscious bias in the workplace. If the answer to this question is yes, can you, please provide copies of any written advice and guidance issued to staff. Please note I am interested in all relevant information issued to staff between 1 January 2022 and the present day even if that information and guidance was created before 2022.

2...Between 1 March 2022 and the present day did the ICO post any information on its intranet for employees which was designed to help new employees and or existing employees identify and or better understand and or deal with the challenges posed by microaggressions and or unconscious bias in the workplace. If the answer is yes, can you, please provide copies of the information posted on the intranet. Please note I am interested in all relevant information which was on the intranet during the aforementioned period even if the information was created prior to that date.

3...Since 1 March 2022 has the ICO run any online or in person workshops and or training courses and or seminars for new and or existing employees. Please note I am only interested in those online and or in person workshops and training courses and seminars which are about and or which include information about microaggressions and unconscious bias. I am interested

irrespective of whether these online courses and or workshops and or seminars were organised inhouse and or whether they were run or provided by a third-party external training organisation. In the case of each online and or in person training course and or workshop or seminar can you provide the relevant title and theme. In the case of each online training course and or in person workshop and or seminar can you state when it took place. In the case of each online and or in person training course and or workshop and or seminar can you say how many new and or existing employees have taken part. In the case of each in person and or online training course and or workshop and or seminar can you provide copies of any information distributed to employees who took part. Do not provide any information where the copyright for that information is held by an external training provider."

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 do hold information within scope of your request.

Until March 2022 the ICO included an e-learning module referencing unconscious bias entitled 'Shortlisting at the ICO'. You can find the script relating to the relevant part of the module attached. This module was included in the training for recruiting managers at the ICO and was accessible whenever required. Please note that the 'Unconscious Bias e-learning module' referenced at the end of the script is no longer used or accessible.

On 3 April 2023, all ICO employees had access to a blog on 'Behavioural Biases' on our Intranet. The text is attached to this response.

Please note, the name of the individual author of the blog has been redacted under section 40(2) as we do not consider it fair and proportionate to disclose this to the wider world.

We have also withheld an internal email address under section 31(1)(g) of the FOIA. We can do this when the disclosure of information "would, or would be likely to, prejudice...the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c):

*“ a. the purpose of ascertaining whether any person has failed to comply with the law, and
c. the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.”*

Misuse of internal email addresses that exist to support ICO staff would likely prejudice our ability to perform our regulatory functions. Disclosure would leave us vulnerable to phishing or other cyber-attacks, spam, or an increased volume of irrelevant correspondence which it would take us time to process.

There are other channels that the public can use to contact us, and they are publicly available via [our website](#).

The exemption at section 31(1)(g) is not absolute. When considering whether to apply it in response to a request for information, there is a ‘public interest test’. We have to consider whether the public interest favours withholding or disclosing the information.

In this case the public interest factor in favour of disclosing the information is:

- Increased transparency in the way in which the ICO conducts its operations.

The public interest factors in maintaining the exemption are as follows:

- Internal email addresses being used inappropriately will reduce the effectiveness and efficiency of our regulatory functions.
- The information of primary relevance to your request is not affected by the redaction of our internal email addresses.
- The public interest in transparency is met by the public provision of other more appropriate means of contacting us.

Having considered all of these factors we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

This concludes our response.
We hope you find this information helpful.