

27 October 2023

IC-261136-F2V9

Request

You asked us:

1. *"Confirmation of the outcome of the investigation and any final decision letter issued to Graham and Brown Limited"*
2. *Whether the ICO imposed a fine on Graham and Brown Limited*
3. *Whether the ICO issued a reprimand to Graham and Brown Limited*
4. *Whether the ICO made any recommendations to Graham and Brown Limited"*

Your request referred to a personal data breach reported by Graham and Brown Limited in 2022.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

We have searched our systems based on the information you have provided and can confirm that we hold information within the scope of your request.

Graham and Brown Limited reported a personal data breach to the ICO on 26 April 2022. The ICO's investigation was closed on 28 September 2022 with the decision to take no further regulatory action.

This means that the ICO did not issue a fine or reprimand to Graham and Brown Limited.

The final decision letter and the recommendations sent to Graham and Brown Limited by the ICO are being withheld from disclosure under section 44 of the FOIA and section 132 of the Data Protection Act 2018.

Section 44 of the FOIA laces prohibitions on disclosure and is an absolute exemption, which does not require a consideration of the public interest test of

the type required by the qualified exemptions.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

This concludes our response to your request.

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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