

31 October 2023

IC-265556-Q2B1

Request

We received your request on 31 October. You asked for the following information:

"In IC-258941-R9P8 Merseyside Police engaged section 8(1)(c) FOIA to all 15 requests. The Commissioner found that 4 of the requests were valid:

'2. On what lawful basis, compliant General Data Protection Regulation (GDPR) and Data Protection Act 2018, is Automatic Camera Device accessing, processing, storing, and sharing our personal data or information relating to it?

3. What specific evidence does Automatic Camera Device have in its possession for our explicit consent to access, process, store and share our personal data or information relating to it?

4. With which third party individual(s) or corporation(s) has the Automatic Camera Device, shared our personal data and what is their Fiduciary relationship to us?

13. Whether you have evidence for the identity of any alleged driver at the time of the alleged offence?'

However, the Commissioner exercised his discretion, considered section 40(5)(a) and found it engaged:

'43. As set out in paragraph 29, questions (2) – (4) ask Merseyside Police to provide its lawful bases for processing the complainant's personal data, albeit is written in a third party style. Question (13) asks to know whether Merseyside Police holds the identity of the driver involved in the alleged speeding offence it has contacted him about.'

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fmedia%2Faction-weve-taken%2Fdecision-notices%2F2023%2F4027139%2Fic-258941-r9p8.pdf&data=05%7C01%7Cicoaccessinformation%40ico.org.uk%7Cfe4779b0f0004ec045cc08dbd3cb3c45%7C501293238fab4000adc1c4cfefba21e6%7C0%7C0%7C638336642207424670%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Iik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=HRL%2F75d2zNXTYYeKvPHIVM79ozUIy5JHZzuF7db8fOw%3D&reserved=0>

Please provide staff guidance relating to information requests written in third party style that request personal information.

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

We hold no information within the scope of your request. We do not hold any staff guidance on this point as we do not have a business need to provide guidance on such a specific point. Case Officers will use their judgement based on the wording of a request and the context to determine whether or not it is a request for personal data.

By way of advice and assistance, I attach a copy of an excerpt from our internal guidance for FOI Case Officers covering complaints about requests which are for personal data. This is not in scope of your request but may help you to understand the type of guidance that we do provide to staff on dealing with complaints of this nature.

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 the address below or e-mail icoaccessinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this

time will only be considered 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 this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



Information Access Team
Corporate Planning, Risk and Governance Directorate
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal data
see our [privacy notice](#)**