

27 October 2023

Case reference IC-262242-V5N3

Request

In summary, you have requested correspondence between the ICO and London Borough of Hackney Council ("LBH") contained on cases created in the calendar year 2022, where the primary reason for the complaint is Article 15.

We received your request on *29 September 2023*.

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

Our response

Please find the attached information in scope of your request.

These are the data protection complaint cases I found which were created in 2022 and they relate to the issue of Article 15 of the UK General Data Protection Regulation (concerning the right of access to information).

There are a small number of redactions which have been applied to information which is not in scope of your request (ie information which is not in relation to Article 15 matters).

FOIA section 40(2)

You will see that some third party personal data has been redacted in our response. It is exempt under section 40(2) of the FOIA.

Specifically, this exemption applies to information which identifies the data subjects (living individuals) who brought the complaints to us, and to information which identifies LBH staff.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

FOIA Section 44 and DPA section 132

Some information has been withheld under section 44 of the FOIA. This applies to information we have received from the relevant data subjects and to information we have received from LBH. This includes information within correspondence which references back to information we originally received from them.

Section 44(1)(a) 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. Section 132(1) of part 5 of that Act 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 circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result the information is exempt from disclosure.

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



Information Access Team
Strategic Planning and Transformation
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](#)**