

22 November 2023

IC-270650-B5L7

Request

We received your request on 16 November. You asked for the following information:

"Yes, I would like this chat to be considered as a Freedom of Information request for all data relating to the number of complaints received relating to Facebook (Meta) by the ICO in the last 2 years."

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 do hold information within the scope of your request. You will find details of all the complaints and other matters we have handled on our website [here](#). I understand that you are interested in data protection complaints against Meta, if you click on the link for 'Data protection complaints' and then open the quarterly data sets you can filter the column titled 'Submitted about account' to find any complaints against Meta that we have concluded in that quarter and the details provided include the legislation in question and the outcome of the complaint. If you are also interested in personal data breach cases and formal investigations you will also find details of these on the above linked page.

This information is publicly available and therefore technically exempt pursuant to s.21 FOIA.

The data sets are currently available for the period of to the end of the first quarter of the financial year 2023-2024 (i.e. April-June 2023), we regularly

publish these on a quarterly basis in arrears and are currently working on publication of the next batch which will cover the second quarter of 2023-2024. The information that you requested that hasn't yet been published is therefore withheld under s.22 FOIA as it is intended for future publication.

FOIA section 22

As we have done for the previous quarters, we intend to publish data sets for July- September 2023 within the current quarter and the work is well underway for this, and then to publish the subsequent quarter according to the same schedule and so on.

Due to the volumes of casework that we process and the rigorous checks we need to carry out in order to ensure that personal data and other sensitive information is not disclosed inappropriately, the process for publication of datasets is not one that can expedite more quickly than we are.

Our commitment to publishing this data on regular basis is clear from the speed and consistency with which we have published this information over the past two years. As a result we find that it is reasonable to withhold it in response to your request pursuant to section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."

In this case we find that the exemption at section 22 of the FOIA applies to some of the datasets requested. The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

In this case the public interest factors in disclosing the information are:

- Promoting transparency by providing up to date information on the ICO's complaints handling work in response to requests.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant data sets in the near future (and at that point the information will be in the public domain anyway).
- Under the current schedule, information about closed cases is being published within the following financial quarter so this means that data is being made available while it is still recent and relevant and as quickly as it can be without compromising information security.
- The current process being employed is the most efficient way to make this data available without overly burdening resources and it is in the public interest that the ICO deploys its resources to provide services in the most efficient way.
- The rigorous checks that we undertake in order to publish the data sets are within the public interest as they ensure the efficacy of the data and avoid the potential for a data breach, and speeding the process along to the detriment of this would not be in the public interest.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair and discourage further engagement by the organisation involved.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

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
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