

22 November 2023

## **IC-268429-M5V7**

### **Request**

You asked us for information on how many complaints we have received regarding Global Data Intelligence Limited.

We received your request on 2 November 2023.

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

### **Our response**

I can confirm that we hold information in scope of your request.

There are currently six complaints held on our systems regarding Global Data Intelligence Limited. We are providing this information, but it is technically withheld under sections 21 and 22 of the FOIA.

Please note that the ICO is committed to publishing regular [data sets](#), which contain information on complaints submitted to the ICO. Information regarding five of the complaints submitted about Global Data Intelligence Limited has been published as part of these datasets. This information is therefore technically withheld under section 21 of the FOIA.

One complaint regarding Global Data Intelligence Limited has not yet had information relating to it be published as part of the datasets. As such, this information is technically withheld under section 22 of the FOIA.

### **Information withheld**

#### **FOIA section 21**

Please note that although we hold information falling with the scope of your request it is available to you outside of FOIA because it has been published via our datasets.

As a result, the information we hold is withheld in reliance on section 21 of the FOIA. This exempts information which is reasonably accessible to the applicant through means other than a request under the FOIA.

It is an absolute exemption, which means it is not necessary for us to consider any public interest test.

## **FOIA section 22**

As we have done for the previous two financial years we intend to publish an equivalent dataset which will contain information on the one complaint covered by this exemption as explained above.

This means it is being withheld 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 the information we hold for the future complaint.

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:

- Providing information regarding public authorities on whom complaints have been made regarding their compliance with the FOIA and encouraging openness.

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 datasets which will include the relevant information in the near future (and at that point the information will be in the public domain anyway).
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

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

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

# ico.

Information Commissioner's Office



Information Access Team  
Strategic Planning and Transformation  
Information Commissioner's Office, Wycliffe House, Water  
Lane, Wilmslow, Cheshire SK9 5AF  
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