

27 November 2023

IC-270220-N9S3

Request

In summary, you have requested confirmation of whether a data breach that occurred on 9 August 2019 was reported to the ICO by Donna Ockenden Ltd.

We received your request on 14 November 2023.

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

Our response

We confirm that we hold information in scope of your request.

The ICO received a data breach report from Donna Ockenden Ltd that occurred on 9 August 2019. We can advise that we did not take any formal regulatory action in relation to this data breach. However, we are unable to disclose a copy of this breach report to you as the information is exempt from disclosure. The information that the data controller has shared with us is exempt by virtue of section 44 (prohibitions on disclosure) of the FOIA.

Section 44 is an absolute exemption and not subject to a public interest test.

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 is prohibited by or under any enactment."

In this case, the Data Protection Act 2018, part 5, section 132 prohibits the disclosure of confidential information that:

"(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."

We do not have lawful authority to disclose this information to you. Section 132(3) imposes a criminal liability on the Commissioner and their staff not to disclose information relating to an identifiable individual or business for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so, or it has been made public from another source. We do not consider that we have lawful authority to disclose the information which has been provided to us in confidence in our capacity as a regulatory authority.

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



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