

4 December 2023

## **IC-270301-M8Z2**

### **Request**

In summary, you have asked us for details of a data breach that was reported to the ICO in January 2023 by Curaleaf (Rokshaw Ltd).

We received your request on 15 November 2023.

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

### **Our response**

We confirm that we hold a breach report that matches your description, Rokshaw Ltd reported a data breach to us on 19 January 2023.

We have considered whether we can disclose a copy of the report that was reported to the ICO. After careful consideration, we are unable to provide you with a copy of the data breach report as this is exempt by virtue of section 44 of FOIA.

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.

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,