

6 December 2023

IC-268715-L1P8

Request

You asked us:

"With regard to https://ico.org.uk/media/for-organisations/documents/4026433/regulatory-sandbox-final-report-smart-data-foundry-v1_0.pdf, would you be so kind as to provide me with copies of the documents referred to in 4.2 of that report please, i.e. DPIA, Legitimate Interest Assessments x2, and qualitative Anonymisation Assessment toolkit, obviously redacted to the extent necessary?"

We received your request on 7 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. Please find attached the information we hold.

Please note that we do not hold the final copies of the documents you have requested. Due to the nature of the Regulatory Sandbox process, we only hold drafts of the documents in question.

We have provided the latest drafts we hold for each document. In some cases, there may have been significant changes in the time since we assessed a draft and the completion of the document by Smart Data Foundry. We are not able to confirm the extent to which this is the case.

Some information has been redacted as it relates to a third party organisation. Further information on this can be found below.

Information withheld

FOIA section 44 – prohibitions on disclosure

Some information has been withheld under section 44 of the FOIA, as it is information which relates to a third party organisation other than ourselves or Smart Data Foundry. 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 sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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