

12 December 2023

IC-274066-L1P8

Request

1) A summary list of cases known to ICO in which ICO wrote to a search engine with recommendations that they delist links on behalf of private individuals, but after which the search engine has not followed this recommendation.

The summary list should include dates, timelines, types of content, client impacts, and any further action taken by ICO.

2) A clear process which ICO follows in these cases (where ICO recommends delisting but a search engine refuses to delist), or if it is entirely at each individual caseworker's discretion (such as simply closing a file) please provide records of discussions, decisions and impact assessments within ICO that lead to this level of autonomy being granted to caseworkers, and to the recommendation to close a case file without any further action being taken by ICO as regulator.

3) Any case details where ICO, as regulator, have taken further steps (after their initial recommendations have not been followed), to enforce or require a search engine to delist links without the named individual complainant having to take their own case to court in order to enforce their Right to Erasure.

We received your request on 4 December 2023. After seeking clarification from you, you confirmed that your request relates to cases about Google.

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

Our response

It is not possible to confirm the extent to which we hold information falling within the scope of your request because conducting the relevant searches would breach the cost limit set out in section 12 of the FOIA.

Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit.

FOIA section 12

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

It is not possible to retrieve the requested information from our casework management system unless we undertake a manual search of the correspondence on each case we hold about Google.

We hold 1,155 data protection complaints about Google and the scenario you are interested in could be held on any one of those cases. The work required to undertake these searches would therefore be well in excess of 18 hours.

Advice and assistance

The information you have asked for is so specific that even if you were to significantly narrow the scope of your request – for example, by time period – it is unlikely that this would provide an accurate picture of the way we handle such complaints. In addition, in the situation you have described we would not necessarily be aware if Google had not followed recommendations, unless either party followed this up with us.

We would not be able to provide part of the requested information – 'client impacts' and 'types of content' - because it is the personal data of the complainant. The work required to go through each case, noting details such as 'timelines' and 'dates', would be extensive.

Consideration would be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it, particularly given the issues regarding accuracy described above.

We do not hold impact assessments about caseworkers exercising their discretion. Information about our complaints handling procedures that may be of interest to you can be found here:

<https://ico.org.uk/make-a-complaint/data-protection-complaints/what-to-expect/how-your-complaint-is-processed/>

<https://ico.org.uk/about-the-ico/our-information/our-service-standards/>

<https://ico.org.uk/about-the-ico/our-information/disclosure-log/ic-236327-c7q7/>

We have not taken enforcement action against Google.

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](#) on our website.

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



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