

12 December 2023

Case Reference IC-271876-P4B2

Request

Please tell me how many complaints against Sunderland and South Tyneside NHS Trust there have been since the DPA 2018 came into effect.

Please provide any breakdown regarding the nature of the complaint and any action undertaken in respect to them.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA).

Our response

We have interpreted your request as a request for details of data protection complaints against South Tyneside and Sunderland NHS Foundation Trust.

We do hold information within the scope of your request.

We publish details of our completed casework, including complaints, in our complaints and data sets, available on our website by following this link: [Complaints and concerns data sets](#). The data protection complaints data sets provide details of complaints we have received from the public about data protection concerns. You can filter the data sets by 'submitted about account' and can find details of complaints concerning South Tyneside and Sunderland NHS Foundation Trust, along with details of the legislative reason for the complaint and the outcome.

A guide to the different case outcomes can be found on the following link [data protection complaint outcomes](#).

The data sets currently on our website cover the period from January 2021 (Q4 2020/21) until the end of June 2023 (Q1 2023/24).

Please note that information is deleted in line with our retention policy, so these figures represent only the cases we still currently hold. Details of our retention policy can be found on this link [Retention and disposal schedule](#).

The ICO website mostly only records information published in the last two years. However, The National Archives (TNA) has an 'internet memory' section within their own published records in which you can see a snapshot of the ICO's website at various stages dating back to 2006. These snapshots are mostly still searchable, but will not have the full functionality of the original ICO web page, but you will be able to search for any action we've taken.

The link [The National Archives](#) provides information held under the current domain of ico.org.uk from April 2013 to date and therefore you will be able to find information from 2018.

As the above information is publicly available, it is technically withheld in reliance on section 21 of the FOIA, as explained below.

We regularly publish our data sets on a quarterly basis in arrears and are currently working on the publication of the next data set which will cover the Q2 of 2023/2024. Some of the information that you requested hasn't been published and is therefore withheld under section 22 of the FOIA as explained below.

We also publish information about [Enforcement action](#) and other [action we've taken](#) on our website. Action is taken in line with our [Regulatory Action Policy](#).

Information withheld

FOIA section 21

This exempts information which is reasonably accessible to the applicant through means other than a request under the FOIA. Section 21 states that we do not need to provide you with a copy of information when you already have access to it. However, we have provided the links above for your convenience.

Section 21 is an absolute exemption, which means it is not necessary for us to consider any public interest test.

FOIA section 22

Information is exempt from disclosure under section 22 of the FOIA if it is to be published at a future date. This is not an absolute exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

- Providing information about organisations who are the subject of complaints regarding their compliance with data protection legislation.
- Providing information about complaint outcomes.
- Promoting transparency by providing up to date information on the ICO's complaints handling work in response to requests.

The factors in favour of withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing data sets in the near future which will include the requested information.
- Under the current schedule, information about closed cases is published within the following financial quarter so data is made available while it is still recent and relevant and as quickly as possible without compromising information security.
- The current process being employed is the most efficient way to make this data available without overly burdening resources and it is in the public interest that the ICO deploys its' resources to provide services in the most efficient way. To prepare this information for disclosure earlier than our intended date of publication in response to individual requests would be an inefficient use of our resources.
- The rigorous checks we undertake before publishing the data sets are in the public interest as they ensure the efficacy of the data and avoid the potential for a data breach. Speeding this process along may be detrimental and would not be in the public interest.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair and discourage further engagement by the organisations involved.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we are satisfied that it is appropriate to withhold this information.

This concludes our response to your information 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 set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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For information about what we do with personal data see our [privacy notice](#)