

Date: 3 November 2023

IC-259422-G3X3 and IC-259423-K1R2

Request

The two requests below were related in their subject matter. As such, I have bundled them into a single response.

In IC-259422-G3X3, you asked us:

"Please provide for each of the years 2018, 2019, 2020, 2021 and 2022 the following data fields relating to ICO fines imposed:

Company name

Date of imposition of fine

Amount of fine

Fine Paid (Y/N)

Amount paid

Date paid

Subject to 20% discount for early payment? (Y/N)

Paid by Company or personally by Director? (C/D)

How much paid by company

How much paid by director

Did the ICO need to pursue the Director personally for payment? (Y/N)"

In IC-259423-K1R2, you asked us:

"Please can you tell me how many firms the ICO has fined and how many of them have had directors disqualified by the ICO or IS. What percentage this is of firms that did not pay the fine."

I sought clarification concerning the timeframe of your latter request and you confirmed that the timeframe is the same as the first request, ie for 2018, 2019, 2020, 2021, and 2022.

We received both of these requests on 21 September 2023. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

First and foremost, you may be interested to know that we already publish much of the information you have requested on our website under "[The ICO's work to recover fines](#)". On that page, we publish a spreadsheet of civil monetary penalties issued by the ICO from 2010 onwards. The spreadsheet contains lots of information about the penalties we have issued, but relevant to your request is the company name, date of the penalty, the amount of the penalty, and the status of the penalty (eg paid, part paid, unpaid, subject to appeal, etc). The page also contains a list of current director disqualifications, which will remain on the page until the disqualification expires.

I appreciate the page does not contain all of the information you have requested and I have worked to establish if we hold the additional information you have requested.

I can confirm we hold the information detailed above, in addition to the date paid and whether a penalty was subject to a 20% discount. I can confirm we do not hold whether a payment was made by a director personally or by the company and, by extension, how much was paid by a director or how much was paid by the company. We also do not hold information about whether the ICO pursued a director personally for payment because the ICO does not pursue directors personally for payment.

With this in mind, please find attached a spreadsheet containing the information you have requested to the extent that we hold it. I haven't added a separate column for whether the penalty was subject to a 20% discount. This is because only PECR fines are subject to a 20% discount and the PECR fines can be easily filtered. Based on this data, I can confirm we issued penalties to 135 different data controllers during that period and 30.7% of them have the status 'unpaid'.

I have enquired about what information we hold about director disqualification and I can confirm we do have some information about director disqualifications by financial year. The numbers are as follows:

- 2017/18: 5 disqualifications.
- 2018/19: 9 disqualifications.
- 2019/20: 11 disqualifications.
- 2020/21: 6 disqualifications.

- 2021/22: 2 disqualifications.
- 2022/23: 4 disqualifications.

It is important to point out that director disqualifications are not a direct result of ICO action. We refer cases to the Insolvency Service where we have concerns about director conduct, but the decision to investigate and seek disqualification sits with the Insolvency Service (and subsequently, the Secretary of State).

We report director disqualifications as it reflects the joint working of agencies to protect the public from potential further harm. Director disqualification is also an entirely different matter to the investigations that the liquidators appointed to any insolvency are undertaking.

While we do hold the above information about director disqualifications, we do not hold information about disqualifications by the Insolvency Service more broadly, as they're an entirely separately agency. If there is particular information you are seeking, you may wish to make a separate request to them.

This concludes our response to your request. I hope you find the information helpful.

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



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
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