

13 December 2023

## **IC-274395-F5J0**

### **Request**

You asked us:

*I would like to know the frequency that DPA 2018 Section 198 "Liability of Directors etc" (which has the same intended purpose as s.61 DPA 1998), has been required to be used since it came into effect, including both DPA 1998 and 2018. Can you please report in terms of Incidents, Investigations and Prosecutions - and if applicable the dates of the events.*

We received your request on 30 November.

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

### **Our response**

We do hold some information within the scope of your request. We do not investigate s.61/ s.198 as an offence in its own right but this is considered as part of investigations into other offences where it is relevant, therefore we do not track the number of investigations where it has been considered but did not lead to a prosecution. We hold record of three cases where a director/officer was prosecuted under s.61 DPA 1998:

01/05/2018 – company director prosecuted under s.61 for a s.47 offence.  
2018 – company director prosecuted under s.61 for a s55 offence.  
05/04/2016 – company director prosecuted under s.61 for a s.47 offence.

No convictions have been secured through s.198 DPA 2018 to date. The historical records that we hold are limited by our retention schedule.

## 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



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