

14 December 2023

Case Reference IC-272500-C1S6

Request

'I should be grateful if you could provide, under FOI, exactly how many cases (including my own 6 breaches) have been brought to you, and how many have been upheld in favour of the claimant. This since the Act was passed in 2018.'

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

Our response

Given the wording and context of your request, we have interpreted your request as a request for information about personal data breach (PDB) complaint cases.

We do hold some information within the scope of your request.

We proactively publish details of our completed casework, including PDBs, on our website on the following link [Complaints and concerns data sets](#). You can search for any organisation you may be interested in by searching the 'submitted about account', or by using the 'ctrl f' function. You will see from the decision columns that we do not record the outcome of a complaint as 'upheld' or 'not upheld', but rather by the type of action that we have taken.

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 and disposal schedule](#), so these figures represent the cases we still currently hold, and we do not hold information from 2018.

However, The National Archives 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 National Archives](#) holds information held under the current domain of

ico.org.uk from April 2013 and therefore you will be able to find the information you are seeking from 2018.

As the above information is publicly available, it is technically withheld in reliance on section 21 of the FOIA, further details of which can be found 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 more recent information you requested has yet to be 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 through means other than a request under the FOIA. Section 21 states that we do not need to provide 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 a 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:

- Openness about organisations who have submitted PDB reports regarding their compliance with data protection legislation.
- Openness about the action we have taken in response to PDB reports.
- The understandable interest of the public, and people affected by specific data breaches in the details and outcomes of those breaches

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](#)