

20 December 2023

IC-276400-G3B7

Request

This is a refined request of IC-274066-L1P8 which was refused under the provisions of section 12 of the Freedom of Information Act 2000 (the FOIA).

The refused request was for:

"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."

You have revised your request to:

"I would like to narrow my request to the last 3 months of closed cases."

We received your request on 12 December 2023.

We have handled your request under the FOIA 2000.

Our response

We can confirm that we hold information in scope of your request.

Question 1

We have reviewed the data protection complaints submitted about Google and closed in September, October and November 2023. We hold 36 closed complaint cases about Google in these months.

We have reviewed the 36 cases for correspondence that we have sent to Google recommending that they delist a link and Google has either refused to delist the link or not responded to the ICO.

We have identified two cases that fall within scope of this request. The details of these cases have been provided below:

Case ref	Complaint received	Completed date	Submitted about	Decision	Decision detail
IC-256786-V4P6	07/09/2023	30/10/2023	Google UK Ltd	Informal action taken	Infringement - More work for organisation - unsatisfactory response to ind complaint
IC-257202-X3P1	07/09/2023	30/10/2023	Google UK Ltd	Informal action taken	Infringement - More work for organisation - unsatisfactory response to ind complaint

We are unable to provide further information regarding these complaints, such as the impact that it is had on the complainant and the type of content that the information relates to as to do so would reveal personal information about the individual concerned. We are therefore withholding this information under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner. There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned.

Question 2

We do not hold a policy specific for the scenario that you have described. The ICO makes decisions in relation to complaints about search engine results in line with the ICO complaints handling procedure and the ICO de-listing criteria.

Links to our complaints handling procedure can be found here:

[How your complaint is processed | ICO](#)

[Our service standards | ICO](#)

Links to our delisting criteria can be found here:

[Internet search results | ICO](#)

[Search result delisting criteria | ICO](#)

We have made enquiries regarding the two cases identified as being in scope of this request and can confirm that we do not hold a record of internal communications regarding the decision taken by the Case Officer in each case.

As advised within the response referenced IC-274066-L1P8, we do not hold impact assessments about caseworkers exercising their discretion.

Question 3

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 [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,



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