

8 January 2024

Case Reference IC-275663-P7X2

Your request

You asked us for the following [numbering added for clarity]:

- "1. Does the Information Commissioner's Office have a remedial arrangement in place with the City of Edinburgh Council?*
- 2. If you do have a remedial arrangement in place with the City of Edinburgh Council then what are the terms and conditions of that arrangement?*
- 3. What legal basis does such an arrangement have? Are there regulations that allow for this and, if so, what are they?*
- 4. Does the ICO have a remedial arrangement in place with any other organisations or authorities?*
- 5. Why have the ICO not published information about all of these arrangements on their website?"*

Where your questions satisfy the criteria of a valid information request, we have considered your request under the Freedom of Information Act 2000 (FOIA).

Our response

1. Yes, we can confirm we hold such information.
2. This information is exempt from disclosure to you under section 44 of the FOIA. We shall explain this exemption below this response.
3. Yes. Please see the section 'Tasks of data protection officer' 71(1) of the [Data Protection Act 2018](#). This information is technically exempt under section 21 of the FOIA.
4. Yes, we can confirm we hold such information.
5. We consider this to be a request for the production of new information, an explanation to a specific question, and thus not a valid request for information. However, you can read information about what we publish in our [Communicating our Regulatory and Enforcement Activity Policy \(ico.org.uk\)](#) and [ICO's publication scheme compliance | ICO](#).

FOIA Section 44 and DPA section 132

Information has been withheld under section 44 of the FOIA. Section 44(1)(a) states:

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources, unless the disclosure is made with lawful authority."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result, the information is exempt from disclosure.

This concludes our response.

We hope you find this information helpful.