

5 January 2024

IC-275718-H4K3

Request

In summary, you asked us:

"We have received an email today from the company who service our boiler(Clever Energy boiler)stating that the 3rd company who collect payments (London Zurich) have been hacked and our personal details, inc bank account details have been stolen.

They state that both companies have reported this to yourselves. Under the FOI could you please confirm that this email is genuine and is not a scam and provide us with all of the details you hold under the following two ISO reference numbers, thank you."

Your request referred to the below email:

"We want to assure you that our own systems were not compromised, the breach originated from London & Zurich's network. They have reported this incident to the UK Information Commissioner's Office (ICO) with case reference number IC-269790-R2L7.In turn, we also further reported the data breach to the ICO on Monday, 4th December. The reference number for our report is IC-274683-H2N2."

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

Our response

We have searched our records based on the information you have provided and can confirm that we hold information within the scope of your request.

We can confirm that we hold personal data breach (PDB) reports under the references provided.

London and Zurich Limited reported a PDB to the ICO on 10 November 2023.

The Green Deal Factory Ltd reported a PDB to the ICO on 4 December 2023.

The ICO's investigation into these breaches is still ongoing and so further details are withheld under s31 of the FOIA.

FOIA – Section 31

Further details regarding the PDBs reported by London and Zurch Limited and the Green Deal Factory Limited are exempt from disclosure under section 31(1)(g) of the FOIA. We can rely on section 31(1)(g) of the FOIA where disclosure:

"would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

"(a) the purpose of ascertaining whether any person has failed to comply with the law..."

and

"(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."

Section 31 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. Also, we must carry out a public interest test to weigh up the factors in favour of disclosure and those against.

Our investigation into these two organisations is ongoing. To release further detail about the breaches could prejudice the ICO's ability to conduct the investigation in an appropriate manner. Disclosure of information at this stage would likely discourage our ongoing discussions with London and Zurch Limited and the Green Deal Factory Limited and may damage our ability to conduct and conclude the investigation fairly and proportionately. This would also likely result in other parties being reluctant to engage with the ICO in the future.

In addition, any information released at this stage could be misinterpreted, which in turn could distract from or obstruct the investigation process.

With this in mind, we have then considered the public interest test for and against disclosure of the requested information.

In this case, the public interest factors in favour of disclosing the information are:

- The understandable interest of the public, and those data subjects who may have been affected, in being able to see and understand the nature of the incident and the subsequent ICO investigation;
- increased transparency in the way in which London and Zurich Limited and the Green Deal Factory Limited have responded to the ICO's enquiries; and
- increased transparency in the way in which the ICO conducts investigations, improving understanding of the ICO's regulatory functions.

The factors in favour of withholding the information are:

- the public interest in encouraging London and Zurich Limited and the Green Deal Factory Limited, as well as other data controllers, to self-report data security incidents for ICO to investigate, ensuring ICO's effectiveness as a regulator;
- the public interest in maintaining organisations' trust and confidence that their replies to the ICO's enquiries will be afforded an appropriate level of confidentiality, thus allowing ICO to undertake robust and full investigations;
- the public interest in organisations being open and honest in their correspondence with the ICO without fear that their comments will be made public prematurely or, as appropriate, at all; and
- the public interest in maintaining the ICO's ability to conduct the investigation as it thinks fit.

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

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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