

18 January 2024

Case Reference IC-279621-S0P2

Your request

You asked us for the following:

Hello, (a) how many of the 33,000+ data protection complaints were investigated by the @iconews and (b) how many resulted in enforcement action? Also (c) are those data protection complaints separate to PECR complaints? Thank you

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

We can confirm that we hold information within scope of your request. However, this information is exempt under sections 21 and 22 of the FOIA as it is already available to you by other means or is intended for publication in the near future.

The ICO publishes its casework details on our [Complaints and concerns data sets | ICO](#).

The datasets relating to data protection complaints include three 'Decision' columns which indicate whether the complaint was taken up and what the outcome for each complaint was, including whether a formal investigation was pursued.

These latter can then be cross-referenced with the datasets relating to investigations. These themselves contain outcome details, including any formal action or enforcement which may have resulted.

You will also see from these datasets that we record PECR complaints separately to those raised under UKGDPR/DPA 2018.

The datasets currently cover up to the end of Quarter 2 of the financial year. The information therein, as stated above, is exempt from disclosure under section 21 of the FOIA. The datasets are updated regularly. The information to be updated is exempt under section 22 of the FOIA.

Section 22

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

*"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."*

In this case we find that the exemption at section 22 of the FOIA applies to the information we hold for the remainder of the last calendar year (up to Q3 of the financial year) as this information will be published by us in due course.

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

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

- Providing useful information to the public regarding our casework details

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant datasets which will include the relevant information in the near future (and at that point the information will be in the public domain anyway).
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

This concludes our response.

We hope you find this information helpful.