

19 January 2024

**Reference number: IC-278362-J2M4**

**Request**

*You asked us: "You publish helpful statistics on the numbers of reports to ICO on your website, however this doesn't provide a breakdown of the number of reports of data leaks that were reported to the ICO but did not considered to pass the threshold for harm leading to reports to the individuals who had data leaked*

*Could you please let me know in the same 6 month bands as published on your site what the breakdowns of reports were split by:*

*Data leaks that impacted individuals where the leak was disclosed to the individual*

*Data leaks that impacted individuals where the leak was not disclosed to the individual*

*In addition to providing bandings of the numbers of leaks by scale as on your website could you please provide for each 6 months the sum of the number of individuals that were affected by leaks (recognising it is impossible to identify unique individuals)*

*Please provide the information for the last 5 years from the most recent available statistics."*

We received your request on 31 December 2023.

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

**Our response**

We hold information that falls under the scope of your request. However, finding, retrieving, extracting the information would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Firstly, we would like to advise that we do not hold a complete set of information for the previous five years as some cases will have been deleted in accordance with our Retention and Disposal policy. We can advise that from 31 December 2018 to 31 December 2023, the ICO holds 45,596 Personal Data Breach (PDB) cases.

The information you have requested is not information we normally need for our purposes and our case management system is unable to run a quick automated report on this type of information. Therefore, to locate the information you have requested would require a manual search of 45,596 cases.

We estimate it would take a minute, 30 seconds for each request, to search for the information in the scope of your request – and it is certain that some searches would take longer than that – this would equate to approximately 760 hours' worth of searching. This clearly exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

### **Advice and assistance**

You may be able to bring this request under the cost limit by:

- Asking for the requested information within a reduced time period.
- Asking for the requested information for a particular data controller or data controllers.
- Asking for the requested information for a particular sector or sub sector. These, as well as the data controllers that we have received a PDB notification from, can be identified from our [datasets](#).

Please note, asking for one particular piece of information, either those advised/not advised about a PDB or the total number of individuals affected, would still exceed the cost limit. As such, the request cannot be brought under the cost limit by excluding one particular part of it.

Please note, when the ICO receives requests which would involve manually checking through large amounts of information, we would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out these kind of searches or whether it represents an [unreasonable burden](#) to us as a public authority.

Even if the searches to complete a request will take less than the 18 hours limit, a single request can still be refused if it deemed to represent an unreasonable burden. We have provided you with this information so you are aware that future

requests may be refused but this does not necessarily mean this will happen and will be dependent upon the information requested. Please do not be discouraged from making future requests as we consider each one a case by case basis.

## **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 sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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Strategic Planning and Transformation  
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[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

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**For information about what we do with personal  
data see our [privacy notice](#)**