

30 January 2024

IC-284132-L7L0

Request

On 25 January 2024 you made the following request:

Q1. What legal protection do UK citizens have regarding their image rights publication protection?

Q2. Please list all complaints lodged with you the ICO where a complaint has raised concerns relating to a violation of their image rights publication?

Q3. What laws are there in the UK that protect the image rights of UK citizens, such as the Communist party member highlights that must exist in China in this recent incident?

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

Response

We are unable to confirm or deny the extent to which the requested information is held. Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

This is due to Q2. We consider that the other two parts of your request are queries/requests for advice, rather than requests for recorded information, and these are addressed on page 3 of this letter.

The ICO's role is to uphold information rights in the public interest. While these rights may in some cases relate to images, we do not categorise our complaints according to whether these involve violation of 'image rights publication'.

Although issues relating to image use may be mentioned by those who submit complaints to the ICO (for example a data protection complaint could relate to the use of image of an individual, involving their personal data), we do not maintain a centralised list of these instances, nor can we electronically extract the relevant cases and/or correspondence from our systems.

Instead we would have to conduct extensive manual searches to cover all complaints received in case any of these had raised the issues covered by your request. Even if we focused only on, for example, data protection complaints recorded within our case management system, this covers thousands of cases within one year alone, and each case contains multiple items that would need to be searched. Even if phrases such as 'image' or 'image rights' for example are used within a complaint case, this does not necessarily mean that this is what the complaint is about. Therefore each instance would need to be thoroughly checked.

To give an example of the work involved, we hold well over 10,000 complaint cases on our current case management system for 2023 alone. Even if it only took one minute per case to search 10,000 of those cases – and it is certain that some searches would take much longer than that – this would equate to over 160 hours' worth of searching. This estimate does not include all the other cases and records we would have to search, so the actual time would certainly exceed the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA.

Advice and assistance

As mentioned, the ICO is the regulator for information rights legislation, and you can find out more about what we do and the legislation we regulate [here](#), as well as [the information we publish about our work](#). We publish information about the complaints we receive, and investigations undertaken [here](#). You can search our data sets for data protection complaints [here](#).

Our [annual reports](#) also summarise the work that we do.

In terms of Q1 and Q3, you can find out about your information rights on our website [here](#). We are not able to provide information about legislation outside the

laws we regulate. If you want to seek advice on a specific matter or make a complaint in relation to this, you can contact us about this [here](#).

In relation to Q2, we have considered how you might be able to refine this to bring it within the cost limit. We could, for example, consider a request about data protection complaints where specific parameters (such as date, data controller or complaint type) are provided.

However, this may still require us to check through any complaints in detail (to check whether or not they meet the criteria), particularly if multiple different issues are involved and/or where your search criteria do not reflect the ways we categorise and record casework. Please also note that exemptions may apply if we hold any complaints that fall within scope of a refined request, for example, where details held would enable individual complaints, complainants or complained about parties to be identified.

Any request that requires us to manually search large numbers of records is likely to exceed the appropriate limit, and it is also worth mentioning that we cannot guarantee the accuracy of the results provided following a manual search. Consideration can also be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

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](#) 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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