

8 February 2024

IC-286137-G9X4

Request

You asked us:

"(1) whether the ICO has had anyone that has come to it about the 'right to be forgotten' in relation to news stories of their convictions as postmasters/postmistresses that are now in the Post Office scandal;

(2) if the ICO has made any decision or there has been some resolution in such a case (something to resolve or that will resolve the matter), what the decision is regarding what the search engine has to do or doesn't have to do anything or what resolution has been agreed between the parties to settle the matter/what the ICO has proposed be done between the parties, which they have accepted, in order to resolve it."

We received your request on 5 February 2024.

You wrote to us on the same date to explain that you would like information in relation to any correspondence that has been sent to the ICO regarding the above, whether this has been set up as a 'case' yet or not.

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

Our response

Ordinarily, a public authority has a duty to confirm or deny whether it holds information and to provide that information to the applicant, unless an exemption applies.

In this case, we can neither confirm nor deny whether we hold information falling within the scope of our request. The duty at section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) does not apply by virtue of the exemption found in

Section 40 of the FOIA concerned with personal information, specifically Section 40(5B)(a)(i).

Section 40(5B)(a)(i) states:

"The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

- (a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—*
- (i) would (apart from this Act) contravene any of the data protection principles"*

This part of the FOIA provides that the duty to confirm or deny does not arise if providing the confirmation or denial would contravene any of the data protection principles.

You asked us if any of the postmasters involved in the "Post Office scandal" have contacted the ICO regarding the removal of internet links from search engines that contain details of their convictions, and what the outcome of this was. This information, if held, would constitute the personal data of those individuals as it relates to an identified natural person.

In this instance we consider that to confirm or deny whether we hold any information pertaining to your request would be in breach of the first data protection principle. The principles are outlined in the General Data Protection Regulation (GDPR) with the relevant principle on this occasion being the first principle as provided by Article 5(1): that personal data shall be processed lawfully, fairly and in a transparent manner. Confirming or denying whether we hold information within scope of your request would in itself reveal information about whether an individual has, or has not, made a complaint to the ICO.

With the above in mind, we do not consider the duty to confirm or deny whether we hold the information arises and therefore our response to your request is we can neither confirm nor deny that we hold information within scope of your request. This should not be taken as an indication that the information you requested is or is not held by the ICO.

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,



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
For information about what we do with personal data see our [privacy notice](#)