

15 February 2024

IC-287098-N3B5

Request

"Please provide the following information held by the ICO since 1st January 2021:

- 1. The number of data breaches reported to the ICO by the BBC. Please provide this as a yearly breakdown if possible;*
- 2. For each breach reported to the ICO by the BBC:*
 - (a) the date of the data breach and date it was reported, if different;*
 - (b) the nature of the data breach - e.g. which type of data was breached;*
 - (c) the number of individuals affected by the data breach. If possible please give the relationship of these individuals to the BBC;*
 - (d) details of any further action taken by the ICO against the BBC in relation to the data breach."*

We received your request on 7 February 2024.

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

Our response

We hold information in scope of your request.

The number of breaches reported by the BBC, the nature of each breach, the date we received the reports, and the case outcomes can be found in our [published datasets](#).

Because this information is available to you on our website it is withheld under section 21 of the FOIA. This exemption relates to information that is reasonably accessible to the requester.

We have not taken formal action against the BBC in any of the cases.

Information about the date each breach was discovered, the number of individuals affected and their relationship with the BBC (where held) is withheld under section 44 of the FOIA.

FOI section 44 (& DPA s132)

The information has been withheld under the provisions of section 44 of the FOIA which places prohibitions on disclosure. This exemption is an absolute exemption, which does not require a consideration of the public interest test of the type required by the qualified exemptions.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

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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