

16 February 2024

IC-283465-D8K8

Request

You asked us, regarding a data breach reported to us by 23andMe:

"To ensure transparency and build trust in the aftermath of the data breach, I kindly request the following:

*Detailed logs or reports showcasing the security measures that prevented unauthorized access to my account and my DNA relatives' profiles.
A comprehensive overview of the data that was compromised during the incident, specifying the types of information involved.
Any additional information or evidence that supports the assertion that my account and DNA relatives' profiles remain secure."*

We received your request on 21 January 2024.

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

Our response

I can confirm that we hold some information in scope of your request.

The information we hold that falls in scope of your request is contained in the breach report form we received regarding this breach and a follow-up email.

The breach itself was assessed under case reference IC-264824-L0W2 and was closed on 4 December 2023 with the outcome that regulatory action was not necessary.

Please find attached the information in scope of your request. Some information has been redacted for the reasons found below.

Information withheld

FOIA section 40(2)

You will see that some third party personal data has been redacted in our response. It is exempt under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

FOIA Section 44 and DPA section 132

Some information has been withheld under section 44 of the FOIA. This information in particular has been clearly marked as "FOIA s.44 – Prohibition on disclosure" in the attached.

Section 44(1)(a) 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. Section 132(1) of part 5 of that Act 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 circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result, the information is exempt from disclosure.

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 [here](#).

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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