

19 February 2024

IC-288504-P3X0

Request

On 12 February 2024 you requested information about the complaint IC-241531-W0B3. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Response

We hold information within the scope of your request. Some of the information about this complaint has already been published [here](#) within the [Q2 2023/2024 dataset](#). The information within this dataset is technically exempt in accordance with Section 21 of the FOIA, given that it is already accessible to you.

All remaining information about this complaint case has been withheld under Section 40(2) of the FOIA as it is the personal data of a third party, and relates to a data protection complaint brought to us by a member of the public. Because the file and all the correspondence held on it were created in order to address the concerns of the complainant about matters concerning their personal data, we consider the entire file to be the personal data of the complainant.

It is our view that members of the public who bring such complaints to us would not reasonably expect that we would disclose the correspondence about their complaint into the public domain and that to do so would therefore be in contravention of the first data protection principle. This requires personal data to be processed lawfully, fairly and in a transparent manner in relation to the data subject. This information is therefore exempt pursuant to Section 40(2) FOIA. Further details about this are provided below.

Section 40(2) of the FOIA exempts information if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation. We find that the condition at section 40(3A)(a) applies in this instance: that disclosure would breach one of the data protection principles.

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.

We do not consider that disclosing this information into the public domain is necessary or justified. There is no strong legitimate interest that would override the prejudice to the rights and freedoms of the relevant data subjects. We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

Advice and assistance

As mentioned above, we publish some information about data protection complaints on our website here:

[Data protection complaints - data sets](#)

When dealing with data protection complaint cases we provide relevant information to the complainant and the complained about party as part of the complaint handling process. We can consider subject access requests from the parties involved for their personal information, where this is held as part of the case. However, exemptions are likely to apply if information relating to data protection complaint cases is requested in accordance with the FOIA.

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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