

21 February 2024

IC-285858-B5G4

Request

You asked us:

"All documents relating to reports of data breaches made to the Information Commissioner's Office by Sony Interactive Entertainment (also known in its abbreviated form of "SIE" or "PlayStation" colloquially) during the years of 2022, 2023 and 2024. In particular loss/theft/release of data belonging to employees of Sony Interactive Entertainment (Playstation).

[...]

I would also like to understand what the ICOs response was to the reports was."

We received your request on 26 January 2024.

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

Our response

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

There are two personal data breach cases in scope of your request. The first of these, which was assessed at case reference IC-238450-J7Q9, was reported to us on 9 June 2023 and closed on 19 October 2023 with the outcome that regulatory action was not required. Please find attached the documents relating to this case. We have withheld parts of the information relating to this case for the reasons found below.

The second case in scope was reported to us on 29 June 2023 and is being investigated at case reference IC-242209-W4B9. As our investigation into this

case is still ongoing, documents relating to this case have been withheld from our response in full. You can find more information on the reasons for this below.

Information withheld

FOIA section 31

Some of the information you have requested is exempt from disclosure under section 31(1)(g) of the FOIA. This is the case for all documentation relating to case reference IC-242209-W4B9, as the investigation into this case is still ongoing.

We can rely on section 31(1)(g) of the FOIA where disclosure:

"would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

"(a) the purpose of ascertaining whether any person has failed to comply with the law..."

"(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."

Section 31 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

Our investigation into the data breach reported by Sony Interactive Entertainment is still ongoing. To release the information you have requested could prejudice the ICO's ability to conduct the investigation in an appropriate manner. Disclosure at this stage would discourage our ongoing discussions between the ICO and Sony Interactive Entertainment and may damage our ability to conduct and conclude the investigation fairly and proportionately.

Disclosure could also jeopardise the ICO's ability to obtain information relating to this case or others in the future.

Disclosure is likely to result in other parties being reluctant to engage with the ICO in the future.

Any information released at this stage could be misinterpreted, which in turn could distract from the investigation process.

With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are:

- increased transparency in the way in which Sony Interactive Entertainment has responded to the ICO's enquiries; and
- increased transparency in the way in which the ICO conducts its investigations into personal data breach cases.

The factors in withholding the information are:

- the public interest in maintaining organisations' trust and confidence that their replies to the ICO's enquiries will be afforded an appropriate level of confidentiality;
- the public interest in organisations being open and honest in their correspondence with the ICO without fear that their comments will be made public prematurely or, as appropriate, at all; and
- the public interest in maintaining the ICO's ability to conduct the investigation into personal data breaches as it thinks fit.

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

FOIA section 40(2)

Regarding the information disclosed relating to case reference IC-238450-J7Q9, we have redacted some personal data contained within the documents. 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 contained in case reference IC-238450-J7Q9 has been withheld under section 44 of the FOIA. 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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