

26 February 2024

ICO Case Reference IC-287816-P8Y1

Request for information

Request received 11 February 2024:

"In his official capacity as an elected councillor, James Giles sent an unsolicited email to c19,000 other elected UK councillors urging them to sign a letter taking a public stance in the Israel-hamas conflict.

In the email Cllr Giles stated "We will also be publishing the names of those who have been invited to sign but choose not to, in the interest of accountability."

My request please:

- 1) How many complaints/contacts did the ICO receive regarding this unsolicited email? Please split this by qty of councillors (where possible), and everybody else.*
- 2) When did the ICO first and last contact Cllr Giles about this potential breach of data protection / sending unsolicited electronic communications?*
- 3) Please share the final report the ICO generated internally about this.*
- 4) At any point since November 2023 - in emails - has the ICO internally referred to James Giles as being "arrogant", "pompous", or "insufferable". If so, how many times for each adjective?*

Where a Section 12 limitation may apply, I invite you to provide as much as a substantive response as possible. Per your obligations under Section 16 I would also appreciate advice on how to access the information I am requesting, e.g. this may include guidance on how to be more specific, if necessary."

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We are unable to confirm or deny the extent to which the requested information is held, if at all. Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit. Conducting the searches necessary to confirm if we hold the information you have asked for in points 1 and 4 would exceed the cost limit.

The [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(legislation.gov.uk\)](#) states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

For point 1 you have asked about complaints and contacts the ICO has received on this specific matter. We consider that 'contacts' would include emails, telephone calls and live chats. Whilst we can conduct searches of our casework management system for formal complaints logged against a specific data controller, we cannot do the same for live chats or telephone calls that have been received regarding a specific data controller. We also cannot establish if the specific subject has been raised in an email held on a data protection complaint if that complaint is about a different matter.

Individuals can contact the ICO via our live chat function. We retain live chat transcripts for 100 days, as per our [Retention and Disposal Policy](#). We manually counted the number of live chats across five different days since the start of this year. In this sample there was an average of 113 live chats made to our public advice live chat service each day. We did not count live chats to our business advice service.

We cannot automatically search these live chats for keywords, and so could only conduct a manual search to check if this specific issue had been raised. Across a 100-day period we can assume there would be around 71 working days for which our live chat service would be open. At an average of 113 live chats per day, this would equate to over 8,000 live chats to be manually searched.

Even if each search would take only 30 seconds to complete, this would involve over 4,000 minutes of searching. This clearly exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

We do not record telephone calls to our helpline. Therefore we could not provide information about if or when this specific issue had been raised via the helpline unless the caller had submitted a formal complaint which was then recorded in our casework management system.

For point 4 you have asked about all internal emails. Our email system is unable to run an automated keyword search across the entire organisation. To identify if the information you have requested exists would require individuals across the ICO to conduct a manual search of the email inboxes to which they have access and to report their findings to the Information Access Team. This would include searching the individual email accounts for each member of staff (currently over 1,100 people), all shared email inboxes, administrative email inboxes, and so on – we estimate this would be over 1,900 email accounts.

Neither would this involve a simple keyword search returning a number of emails featuring the keywords. If any positive results were found, the email would need to be reviewed to consider if the named individual had been referred to as "arrogant", "pompous", or "insufferable", or if those terms had simply appeared in the same email which also referred to the named individual.

Even if all email accounts were searched and each search would take only 1 minute to complete and report, we estimate this would equate to over 1,900 minutes of searching. This exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Advice and assistance

You could re-submit your request but limit it to points 1 to 3 only, and narrow your request further to formal complaints only made against a specific data controller that have been logged in our casework management system.

Please note that we pro-actively publish details of [Data protection complaints](#) we receive in our [Complaints and concerns data sets](#).

For any revision to point 4 of your request, we would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of search, or whether it represents an unreasonable burden on us as a public authority. We might also need to consider the [value or serious purpose](#) of the request.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

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 [raise a complaint](#) 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.

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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Strategic Planning and Transformation

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For information about what we do with personal data see our [privacy notice](#)