

27 February 2024

IC-287811-Y6H8

Request

We received your request on 11 February. You asked for the following information:

"1 Given the high publicity surrounding the Post Office Scandal and the admissions by the parties that accounts were unlawfully accessed and changed, please state the date on which the ICO launched its investigation?"

2 Please disclose all communications between your CEO, senior management team, Board and/or external parties regarding the Post Office Scandal and the ICO's duty to investigate it?

3 In the past number of years both Europe and the US have issued substantial fines against major technology firms such as Facebook with the latest being Google who reportedly reached a recent settlement of \$5 billion.

Given that the same or similar laws operate in the UK please provide all documentation where you considered or investigated these major technology companies, including reports and communications and documents showing the outcome (including reasoning).

4 To date please list all companies investigated and fined by the ICO where the fine was £1 million or more? Please provide dates and details of the offence?"

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

Our response

I am refusing the Freedom of Information request you have made because the amount of work involved in complying with it would place a grossly oppressive burden on our resources, meaning that we are able to rely on Section 14 (1) of the FOIA.

Section 14 (1) FOIA states that:

'14.—(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.'

The ICO's [guidance](#) explains that:

"A single request taken in isolation,may be vexatious solely on the grounds of burden. That is, where complying with the request would place a grossly oppressive burden on your resources which outweighs any value or serious purpose the request may have."

While we do not doubt that you have a genuine interest in the information you have requested, we have determined that the burden placed on our resources in complying with this request would outweigh the public interest in the requested information.

Our guidance further provides that, in order to refuse to respond to a request under s.14(1) due to burden alone, we should be able to establish firstly that the requested information is voluminous, secondly that we have real concerns about exempt information being contained within it, and thirdly that the exempt material is scattered throughout and cannot be easily isolated. I have provided further explanation of our consideration of this below.

Our guidance states that the threshold for applying s.14 FOIA on the basis of burden is a higher one than for s.12 FOIA, which allows a public authority to refuse to comply with a request if the necessary searches involved in doing so would take longer than 18 hours. We are relying on s.14 here because the burden is related to the time required for reviewing and redacting the relevant information, rather than searching for information that may be in scope.

Your question at point three of your requests asks for all documentation that we hold about any cases where we have investigated major tech companies and considered regulatory action against them. You have not defined what you mean by a major tech company so this is open to interpretation but even if we limited this just to Facebook and Google the information within the scope of this part of your request would run into thousands of pages of information, which would require thorough review and redaction as much of it would be exempt.

You may be aware that the ICO investigates data protection complaints made by the public, as well as personal data breach reports that are self-reported for data controllers and also carries out investigations based on its own research.

Data controllers which process large volumes of personal data tend to account for large numbers of complaints to the ICO, and while most of these relate to minor concerns that would not lead to a full investigation and consideration of a fine, some do, and all of our correspondence and records about those matters could be said to fall into the scope of your request as we are considering whether the data controller is in breach of data protection law and regulatory action is always a possible outcome. Looking at just Facebook and Google alone, we have record of 1740 data protection complaints, and this number would be significantly higher if we were to broaden the search to other tech companies.

Additionally, we would need to look at self-reported personal data breach cases. Again, most of these relate to minor incidents and do not require regulatory action, but some do, but and our correspondence and records about those matters would fall into the scope of this part of your request.

Even if we considered only cases which progressed to a full investigation where regulatory action was considered, which are fewer, these cases by their nature generate much larger volumes of information, much of which would be exempt and require extensive redaction.

Information relating to investigations would typically contain personal data throughout which may require redaction under s.40(2) FOIA, information that we are prohibited from disclosing under s.132 FOIA and s.44 FOIA because it has been provided to us in our role as the regulator, for which we would have to consult the parties involved to determine whether it could be disclosed, and information which could prejudice future investigations and would therefore be exempt under s.31 FOIA. The exempt information would not be held in distinct categories but mixed together with other information which is not exempt and so the request could only be complied with by reviewing thousands of pages of information.

Additionally, the very broad nature of your requests makes its purpose unclear, you appear to want to know what action we have taken against major tech companies but it is not necessary to achieve this aim to disclose to you every piece of information that we hold about such investigations.

We therefore advise that we are refusing to comply with this request under s.14(1) of the FOIA.

We do publish a lot of information about investigations that have resulted in regulatory action, including copies of Monetary penalty Notices etc on our website, we would suggest that you look at the information available on [this page](#) as a starting point. We would also draw your attention to [this page](#) regarding Facebook and [this page](#) regarding TikTok.

Additionally, you can find details of all fines issued by the ICO on our website [here](#), which answers your question at point 4.

You can also find datasets of all of the complaints, data breach reports and investigations that we have handled on our website [here](#).

We suggest that you have a look at the information which is available as highlighted above and then if you require further information, make a more specific, targeted request or requests for the type of information you are looking for, to enable us to comply.

By way of advice and assistance we would also advise that the ICO has not carried out any investigation into the Post Office scandal, and does not hold any information within the scope of the first two parts of 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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