

29 February 2024

IC-288853-B8M8

## Request

You asked us for the following information in relation to the personal data breach reported to us by Caretech Community Services Limited (ref IC-239108-K8B0):

- *The ICO's finding to include confirmation as to whether Caretech has breached their data protection obligations and if so, which particular obligations and why the ICO believes this to be the case.*
- *Details of the "informal action taken" against Caretech*
- *Details of any advice given to Caretech*

We received your request on 15 February 2024.

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

## Our response

We hold information in scope of your request.

Please find attached outcome letter sent to Caretech on IC-239108-K8B0. We have redacted the name of an individual at Caretech.

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.

### **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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