

5 April 2024

Case reference: IC-295392-L4S3

We are now in a position to respond to your information request of 13 March.

Request

"What specific action has the Information Commissioner's Office taken against Southern Water for allowing personal data to be stolen? [1]

What specific steps has Southern Water taken that would prevent a reoccurrence of personal data being stolen? [2]

Is the Information Commissioner's Office satisfied that Southern Water's steps would, in fact, prevent a reoccurrence of personal data being stolen?" [3]

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

Our response

We understand your request relates to a data security incident reported to us by Southern Water. We are looking into the incident and our investigation is ongoing.

Given that our enquiries are at an early stage, we do not hold information within scope of your request for the action the ICO has taken against Southern Water [1], and whether the ICO is satisfied with the steps taken to prevent a reoccurrence [3]. If we decide to take action, it will be published on our website [here](#).

With regards to your question in point 2, we are withholding the information provided to us by Southern Water regarding this incident under section 44 of the FOIA. Further details on this exemption are provided below.

Section 44 FOIA

Section 44 is an absolute exemption which means that information can be withheld without further consideration if other legislation prevents its release, if it meets certain conditions, and if none of the circumstances that would give us lawful authority to release it apply.

Section 44(1)(a) of the FOIA 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'

In this case, the Data Protection Act 2018, Part 5, Section 132 prohibits the disclosure of confidential information that –

- 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.

We do not have lawful authority to disclose to you the information relating to this data security incident as it was provided to us in confidence.

Section 132(3) imposes a criminal liability on the Commissioner and his staff not to disclose information relating to an identifiable individual or business for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so or it has been made public from another source.

This concludes our response to your request. We hope you found this information helpful.

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