

09 April 2024

ICO Case Reference IC-294040-V5N6

Request for information

Request received 13 March 2024, relating to various named staff at the ICO and:

"his legal qualifications, experience and accreditation concerning the UK GDPR and human rights act 1998/2010?"

and

"Can you verify if [they] possess the necessary legal qualifications and accreditation to handle complex legal cases involving the UK GDPR and Human Right Act 1998/2010?"

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 neither confirm nor deny that we hold information regarding legal qualifications or accreditations held by the named ICO staff.

Section 40(2) of the FOIA states:

"Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which does not fall within subsection (1), and*
- (b) the first, second or third condition below is satisfied."*

Section 40(3A), which sets out one of the three conditions, states:

"(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles"

Finally, section 40(5B)(a) states:

"The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles"

You have requested information held about the legal qualifications and accreditation of named ICO staff. This information, if held, would constitute the personal data of those individuals as it relates to identified natural persons. Section 40(2) of the FOIA exempts disclosure of the personal data of others, subject to conditions.

Section 40(3A)(a) details one of these conditions. In my view, this condition would be met in this case because disclosure of the information you have requested, if held at all, would break the first principle of data protection – that personal data is processed lawfully, fairly and in a transparent manner. Therefore, the information you have requested, if held, would be exempt from disclosure.

I also consider confirmation or denial would itself contravene the data protection principles because it would reveal personal data. Therefore, our response to your request is that we can neither confirm nor deny that we hold the information requested.

This concludes our response to your request.

Further information

It may be of interest to you that we have previously published the job description and person specification for the job roles of Case Officer and Lead

Case Officer. These can be viewed on our [Disclosure Log](#) under case reference [IC-209588-W3V6 | ICO](#).

Future requests

The phrasing of your requests and the wider content of your recent emails suggest that individuals at the ICO have not performed their work to your satisfaction, and that you wish to challenge decisions on matters we consider to be closed. The right of access in information legislation is not an appropriate means by which to express dissatisfaction with the handling of complaint cases, or about members of ICO staff.

Grievances expressed in the form of FOI requests may result in such requests being refused as vexatious in line with our public guidance on refusals under the legislation. When individuals appear to be using their rights regarding access to information to pursue matters which are already closed, we need to consider whether those requests are vexatious. Please see our web pages on [Dealing with vexatious requests \(section 14\)](#) for more information about this.

You may wish to note the above if making information requests to the ICO in future.

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

Information Access Team

Strategic Planning and Transformation

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