

23 April 2024

IC-298362-R6N2

## Request

On 2 April 2024 you made a request for an anonymised version of the data set showing the gender and ethnicity pay gaps for ICO staff, which we recently calculated from data recorded on 31 March 2023.

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

## Response

We hold information that falls within scope of your request.

Anonymised data about the gender and ethnicity pay gaps has recently been published on our website:

<https://ico.org.uk/about-the-ico/media-centre/blog-our-gender-and-ethnicity-pay-gaps/>

This information is technically exempt in accordance with Section 21 of the FOIA, as the information is already publicly available.

We consider that to disclose either the full data set or more detailed breakdowns of the information that we hold (e.g. by specific ethnic backgrounds, salary figures or length of time in grade, which are all used to calculate the pay gaps) would involve disclosing details that could be used to identify individuals. Such information would therefore not fall within scope of your request as it would not be anonymised, and if requested would be exempt in accordance with Section 40(2).

Some further explanation about this has been provided below for your reference, as well as advice on how to request further information relating to this topic.

## Advice and assistance

The data set used to calculate the gender and ethnicity pay gaps at the ICO contains more detailed breakdowns than those published in the link above, including:

- The exact FTE salary for each member of staff, which differs within each pay grade (for example by pay band)
- The length of time in grade for each member of staff
- The ethnic background of each staff member, which they have selected from a list of available options (this is more detailed than the white/ethnically minoritised background breakdown published in the link above)

Different combinations of these details, alongside those already published (e.g. gender and pay grade) could be used to identify individuals if a more detailed data set was provided. This is known as [the 'mosaic' or 'jigsaw' effect](#).

Even if we remove obvious identifying details, for example the specific salary or the ethnic background breakdown, this still leaves information that can be used to identify individuals (and reveal personal details about them), particularly at levels G and H where the overall number of staff is smaller and gender, basic ethnicity data (e.g. white vs ethnically minoritised background) or length of time in post could be associated with specific individuals. Members of some groups are sufficiently small across different categories to make individuals identifiable, particularly at the higher and lower pay grades.

Although individuals may not necessarily be identifiable to every member of the general public from the information, the ICO's [draft anonymisation guidance](#) notes that *"You should also consider whether the specific knowledge of others, such as doctors, family members, friends and colleagues could be sufficient additional information that may allow inferences to be drawn."*

Those with knowledge of ICO staff (such as their family, friends, colleagues or stakeholders they work with) may be able to use details from the data set in conjunction with other information to identify individuals. A motivated third party could use information that we already publish (e.g. profiles of senior staff, job adverts, staff numbers, organograms etc.) to associate gender or ethnicity data with specific individuals based on pay, length of time in post or even grading, particularly if they are able to cross reference this with other information available to them (such as online CVs or job profiles).

Our position is that ICO employees would have a strong expectation that their special category data (gender and ethnicity), as well as information about performance (as indicated by their precise salary and position within the pay banding structure) and employment history (amount of time in post) would not be routinely disclosed to the public and that this information would only be used in connection with any relevant work processes.

We consider that any public interest is met by the information we routinely publish and is not sufficient to override the rights and freedoms of individuals. The ICO regularly publishes information about gender and ethnicity pay gaps in [annual reports](#) and on [the ICO website](#) ([see last year's figures here](#)). Gaps are calculated annually in line with relevant legislation and guidance, for example see below:

[Gender pay gap reporting: guidance for employers](#)  
[Ethnicity pay reporting: guidance for employers](#)

We can consider further requests for information about staff characteristics and pay, but please be aware that where this enables identification of individuals, exemptions may apply, and disclosable information would likely be restricted to particular grades or groups of staff. For example, the majority of ICO staff are employed at grades C-F, whereas levels B, G and H involve smaller numbers. Breakdowns by ethnic background (as opposed to gender) may also involve smaller numbers, and are more likely to involve personal data, which may be exempt from disclosure.

This concludes our response to 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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