

30 April 2024

ICO Case Reference IC-302925-G0M8

Request for information

The request, received 17 April 2024, is for a full copy of a data protection complaint.

The 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 do hold a copy of the data protection complaint and supporting information but it is being withheld from disclosure. The complaint is third party data and so is exempt from disclosure under section 40(2) of the FOIA.

FOIA section 40(2)

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 UK General Data Protection Regulation (UK 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 subject

(the complainant). We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

This concludes our response to your request.

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 remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. 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

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Strategic Planning and Transformation

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