

3 May 2024

IC-301291-L5G2

Request

You asked us:

"Confirmation of details of any and all complaints made to the ICO about either Kellogg College and/or the University of Oxford within the past three years...together with information about enforcement decisions and any sanctions or other consequences imposed."

We received your request on 2 February 2024.

Under statutory timeframes our response was due by 1 March 2024. Please accept our sincere apologies for the delay in our response.

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

Our response

I can confirm that we hold information in scope of your request.

Please note that in handling this request, we have only considered complaints that are specifically about either Kellogg College or the University of Oxford on the whole as being in scope. Complaints specifically about other colleges have been excluded from our searches.

We hold both complaints under data protection legislation and complaints under Freedom of Information legislation on our system. Please see tables below for each organisation and the legislation the complaints were assessed under, which show the outcomes and the number of complaints for each outcome.

Kellogg College – Data protection complaints

Outcome	Count
No further action	1
Informal action taken	1

Kellogg College – Freedom of Information complaints

Outcome	Count
Regulatory action taken	1

University of Oxford – Data protection complaints

Outcome	Count
No further action	11
Informal action taken	12

University of Oxford - Freedom of Information complaints

Outcome	Count
No further action	14
Informal action taken	5
Regulatory action taken	10
N/A (complaint ongoing)	3

Further information about complaints we assess can be found on our [complaints and concerns datasets](#). These datasets contain the outcome for each complaint, along with the organisation concerned, and further information on the reason for the decision reached.

Further details about Freedom of Information complaints where the outcome is marked 'Regulatory action taken' can be found in our Decision Notices. These are [published on our website](#) in circumstances where we have issued a Decision Notice in response to a complaint. This page can be filtered to search for specific public authorities.

Decision Notices contain information about the request made, the public authority's arguments, and the Commissioner's reasoning for each outcome.

This information is technically exempt under section 21 of the FOIA, as it can be accessed through means other than by making a request under FOIA. However,

for ease, please see below for the Decision Notices in scope of your request:

IC-158836-H2H9 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4020535/ic-158836-h2h9.pdf>

IC-129040-Y4T2 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4022502/ic-129040-y4t2.pdf>

IC-153340-W7G5 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4023185/ic-153340-w7g5.pdf>

IC-189446-V3Y1 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4023380/ic-189446-v3y1.pdf>

IC-217933-T3T1 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4024977/ic-217933-t3t1.pdf>

IC-255033-N2J0 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4027515/ic-255033-n2j0.pdf>

IC-261285-J1T7 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4028161/ic-261285-j1t7.pdf>

IC-262503-T7N2 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4028006/ic-262503-t7n2.pdf>

IC-267588-V1Z8 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4028411/ic-267588-v1z8.pdf>

IC-293525-P9G0 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4029293/ic-293525-p9g0.pdf>

IC-268243-D3G7 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4029293/ic-293525-p9g0.pdf>

IC-268243-D3G7 - <https://ico.org.uk/media/action-weve-taken/decision-notices/2024/4029292/ic-268243-d3g7.pdf>

Further details on all other complaints, including FOI complaints where regulatory action has not been taken, and all data protection complaints, has been withheld from disclosure. Please see below for the exemptions used and the reasons for why this information has been withheld.

Information withheld

FOIA section 40(2) – Personal data

Details for all data protection complaints have been withheld under section 40(2) of the FOIA, as they are the personal data of third parties.

Data protection complaints are made where a data subject believes that their rights under data protection legislation have been infringed in some way. Therefore, the details of a given data protection complaint are inextricably linked to a data subject's personal data, and so outside of the information we publish on our datasets, we would consider the disclosure of any information relating to these complaints to be a disclosure of their personal data.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned, so we are withholding the information under section 40(2) of the FOIA.

FOIA section 44 and DPA section 132 – Prohibitions on disclosure

Information regarding all FOIA complaints, with the exception of the information found in the Decision Notices above, has been withheld under section 44 of the FOIA.

Section 44(1)(a) 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"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(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."

In this case, the information provided on a given FOIA complaint case, by both the complainant and the public authority concerned, is covered by s132(1). In cases where a case has been closed as 'no further action' or 'informal action taken' – i.e. cases where a Decision Notice has not been issued – we do not believe that any party providing information to us would expect for that information to be publicly disclosed in response to a request.

These cases are closed generally because either we do not have enough information to progress the case, or because the case has been informally resolved without any need for the Commissioner to use their regulatory powers.

As this information is covered by s132(1), it is prohibited from disclosure unless one of the circumstances listed in s132(2) applies. However, none of them apply here. As a result, the information is 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 [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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data see our [privacy notice](#)**