

13 May 2024

IC-301251-M3Z5

## Request

In summary your request was for a copy of an outcome letter to data subjects who had raised a complaint about the Ministry of Justice not including handwritten judges' notes in response to a SAR. You noted that you were aware of the letter as it had been published, with the permission of the data subjects, as part of a blog post in 2017.

We received your request on 17 April 2024.

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

## Our response

We have undertaken searches based on the information provided by you and have been unable to locate a copy of the letter you describe on our systems.

We believe the information you are seeking may be the outcome letter issued under case reference RFA0582445. We no longer hold a copy of this case as we delete casework 2 years after the case closure in line with our retention schedule. This means we are unable to provide you with a copy of the letter you are seeking, or to confirm that it is the same letter which was published on the blog that you refer to.

However, we have located a redacted copy of the outcome letter sent to the Ministry of Justice in relation to case reference RFA0582445 which was previously disclosed by the ICO and published on our Disclosure Log. This disclosure was then captured by the [Government Web Archive](#) and is available for you to view online.

As noted above, the letter we disclosed is redacted and was issued to the Ministry of Justice, rather than to the data subject who raised the complaint with us. It is therefore not that this is the specific letter that you are seeking. However, the time period and subject matter suggest that it is related to the same matter and may contain information which is of interest to you. To be clear, we do not hold an unredacted copy of the letter or any other information relating to that complaint case.

It may also be helpful to explain that case reference RFA0582445 relates to a data protection concern raised with us in line with section 42 of the Data Protection Act 1998 (the DPA98) which was the relevant legislation at the time the complaint was received by the ICO. Section 42 of the DPA98 says that a request 'may be made to the Commissioner by or on behalf of any person who is, or believes himself to be, directly affected by any processing of personal data for an assessment as to whether it is likely or unlikely that the processing has been or is being carried out in compliance with the DPA'.

By 'directly affected' we usually mean that the issue involves the processing of the individual's own personal data. It should be noted that an assessment by the Commissioner under section 42 of the DPA is not a legally binding ruling. It is simply the ICO's view on whether it is likely or unlikely that the processing of personal data - on a specific case - is/has been being carried out in compliance with the provisions of the DPA. As you are likely aware, the DPA98 has since been replaced by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

This concludes our response to your request. I hope the information provided is 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](#) 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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