

22 April 2024

## **IC-295682-P1B7**

### **Request**

You asked us for:

***"Non-Public Case Studies or Detailed Summaries:*** While I found the public case studies and enforcement actions informative, I'm interested in whether there are non-public summaries or internal reports—perhaps not covered in those publicly available—that shed light on challenges, outcomes, or lessons learned from enforcing data protection laws, specifically concerning vulnerable individuals. Any anonymised or general insights from these cases would be invaluable.

***Internal Guidance or Discussions:*** I understand the ICO provides public guidance for organisations on protecting vulnerable individuals. Are there internal guidance documents, memos, or discussions that detail challenges or considerations in creating these public documents? Any summary of these would offer deeper insight into the complexities faced in addressing the needs of vulnerable populations.

***Partnerships Beyond Public Announcements:*** The ICO's collaborations with other organisations are crucial in addressing tech-enabled abuse. Beyond what is publicly announced, could you provide insights into how these partnerships have evolved or specific initiatives underway that aim at enhancing protection for vulnerable groups, especially concerning digital stalking and gender-based violence?

***Future Directions and Unpublished Projects:*** While public announcements share upcoming initiatives, are there any in-depth plans or projects in development stages aimed at protecting vulnerable individuals' data privacy? Insights into these could help understand the direction of ICO's efforts in this area.

***Educational and Awareness Programs:*** *Beyond publicly available materials, are there upcoming programs or materials in development aimed at raising awareness about data protection rights among vulnerable individuals or training for organisations that support them?"*

We received your request on 21 March 2024.

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

### **Our response**

We do hold information within the scope of your request.

I attach a copy of a an internal report titled "Identifying the harms and impact of a personal data breach" which reports on the findings of a review conducted by the ICO of a sample of data breach reports it has recieved, with a focus on the impact of data breaches on vulnerable people. This falls within the scope of the first section of your request. Some information has been redacted as it is the personal data of third parties which it would be unlawful for us to disclose, and this is exempt pursuant to s.40(2) FOIA. Further explanation of this is provided below.

For additional information, this report includes some analysis of the ICO's data breach report form, which has been updated since the sampling exercise for the report was carried out. At the end of June 2023, the Personal Data Breach Service launched a new online breach report form. This includes revised questions and help text that put a focus how the breach impacts individuals, including:

- 'What personal data is involved in the breach? ... please be as specific as possible so we can understand the potential risks to individuals'
- 'What was, or could be, the harm to individuals?'
- 'Is the personal data likely to result in a high risk to individuals?' Examples are then given.

With regards to the last two parts of your request, the ICO is working on a PACE project titled "Customer Service for individuals who may be vulnerable", and I attach a copy of a PowerPoint presentation which explains the rationale behind the project and it's objectives.

Additionally, a cross-office working group under the title of 'Communities' has a focus on how the ICO can best support vulnerable communities and those with the greatest need for its services, I attach a governance document relating to this group which gives an oversight of it's objectives.

We do not hold any information within the scope of the second and third sections of your request.

I would also flag the following which may be of interest, though do not appear to fall within the scope of this request:

The SME Data Essentials project is aiming to produce a range of e-learning modules and products for small and medium sized enterprises. While it is not specifically targeted at vulnerable groups, the project does recognise that a significant number of organisations falling in the SME category do work with vulnerable groups and includes consideration of how the ICO can best support those organisations. The report from the pilot phase of that project is available [here](#), and the project is ongoing.

Additionally, the ICO has recently published an update on its work in protecting children's personal data online which can be found [here](#).

### **FOIA section 40(2)**

You will see that some of the third party personal data has been redacted in our response.

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

## 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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