

20 May 2024

## **ICO Case Reference IC-303549-D1Z2**

### **Request for information**

Request received 26 April 2024:

*"In relation to Data Privacy Masks, how many other requests have there been to the ICO for advice and guidance on such matters?"*

Your 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 are unable to confirm or deny the extent to which the requested information is held, if at all. Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit. Conducting the searches necessary to confirm if we hold the information you have asked for would exceed the cost limit.

[The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(legislation.gov.uk\)](#) states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

This request is for the number of times people have asked the ICO for advice or guidance regarding CCTV privacy masks. When people contact the ICO to request advice or guidance, they can do so via our telephone, live chat, web forms, or by emailing us. We may have received requests for advice and guidance about CCTV privacy masks via any of these methods. We may also have received such requests for guidance in isolation, or as part of an existing advice or complaint case that may be on a similar or unrelated topic.

We do record advice cases and complaint cases in our casework management system that includes many different searchable fields. However, if someone has asked for advice or guidance regarding CCTV privacy masks in the course of an advice case or complaint case, we do not record this in an automatically searchable field in our casework management system as this is not information we normally need for our purposes.

To understand if we hold the information you have requested would require a manual search of thousands of advice and complaint cases, along with searches of live chats, records relating to helpline calls, and the entire email system. To demonstrate how long this would take, we can advise that our casework management system currently holds over 5000 open complaint cases alone. To manually search just these records would involve a significant investment of resources and would clearly exceed the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

### **Advice and assistance**

We have considered if the request could be refined to bring it within the cost limit. Some requests can be limited by parameters such as method of contact, date range, or types of cases to be searched (e.g. advice cases or complaint cases). We can also search some records by keywords. For example, we can filter cases by keywords that appear in the case summary field. However, please note that we conducted a search for closed advice case summaries that include the term 'privacy mask' which returned no results. A search for closed advice case summaries that include the term 'CCTV' returned 870 results, but to know how many of these included requests for guidance regarding privacy masks would still require a manual search of each. Any request that requires us to manually search such large numbers of records is likely to exceed the appropriate limit.

There are also limitations to keyword searches of this type as they would not capture all relevant information. For example, someone may have asked for guidance about 'blurring' or 'covering' sections of the areas captured by their domestic CCTV, but without using the term 'privacy mask'. Also, as previously explained, an individual may have asked us for advice or guidance regarding

CCTV privacy masks on a complaint or advice case relating to an entirely different matter. These requests would not be captured if we limited the cases searched by summary keywords.

Consideration can also be given to whether the value to the public of any resulting information is proportionate to the effort to locate it. As the accuracy of lengthy manual searches could not be guaranteed, we would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of manual search, or whether it would represent an unreasonable burden on us as a public authority.

This concludes our response to your request.

### **Further information**

The ICO website includes guidance on [CCTV and video surveillance](#) for organisations, and guidance on [Domestic CCTV systems](#) for individuals.

If you want to provide feedback about any aspect of our website you can do so via our [Feedback about the website](#) page.

Our [Annual Reports](#) summarise the work that we do each year and provide an insight into the complaints we deal with and our work around different matters such as CCTV.

### **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

Information Access Team

Risk and Governance Department

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 0303 123 1113. Website: [ico.org.uk](http://ico.org.uk)

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