

21 May 2024

**IC-303595-K5M5**

**Request**

You asked us:

*1. How many complaints of each of the following types of discrimination (complaints about conduct that is prohibited under the Equality Act 2010) were reported to your organisation in 2021, 2022 and 2023:*

- a) Disability discrimination*
- b) Race or ethnicity discrimination*
- c) Sexual orientation discrimination*

*2. How many complaints were reported to your organisation about discrimination related to a person's HIV status in:*

- a) 2021*
- b) 2022*
- c) 2023*

*3. If HIV-related discrimination incidents were reported to your organisation, how many of the following incidents were reported?*

- (a) Refusal of a service after HIV status was shared.*
- (b) Failure to make reasonable adjustments for a person's HIV status.*
- (c) Harassment related to a person's HIV status.*
- (d) Use of an organisational policy that discriminated against a person based on their HIV status.*
- (e) Another kind of HIV discrimination incident.*

*4. Has your organisation identified a need to tackle HIV discrimination under the Public Sector Equality Duty?*

*5. If yes, what need has been identified and what action is your organisation intending to take?*

We received your request on 26 April 2024.

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

### **Our response**

I can confirm that we hold some information in scope in respect of some of your questions, and no information in scope in respect of others.

Please note that our interpretation of this request has extended only to complaints about discrimination that have been handled internally by our HR team in line with our [EDI Policy](#).

Whilst there are potentially issues of discrimination contained in the data protection and information rights complaints we receive in our role as regulator, we are not responsible for regulating legislation around discrimination law, and so we do not record allegations of discrimination in our casework management system. If we were to consider allegations of discrimination made in complaints we've received as being in scope of this request, then locating this information would require manual searches which would certainly be in excess of the cost limit set out in section 12 of the FOIA.

However, based on your overall request and the information you are interested in, and in particular because you have asked whether we have identified a need to tackle HIV discrimination under the Public Sector Equality Duty, we have interpreted your request as being specifically for when we have received complaints about discrimination which have been handled in line with our EDI Policy. With this in mind, please see below for the answers to your questions in turn:

*1. How many complaints of each of the following types of discrimination (complaints about conduct that is prohibited under the Equality Act 2010) were reported to your organisation in 2021, 2022 and 2023:*

- a) *Disability discrimination*
- b) *Race or ethnicity discrimination*

c) *Sexual orientation discrimination*

I can confirm that we hold information in scope of your request. Please see below:

	2021	2022	2023
Disability discrimination	1	4	4
Race or ethnicity discrimination	0	1	2
Sexual orientation discrimination	1	0	0

2. *How many complaints were reported to your organisation about discrimination related to a person's HIV status in:*

- a) 2021
- b) 2022
- c) 2023

I can confirm that we do not hold information in scope of your request. The ICO did not receive any complaints about discrimination related to a person's HIV status in the given years.

We also do not hold any information in scope of your requests under points 3, 4, and 5, as no HIV-related discrimination incidents were reported to our organisation, and we have not identified a need to tackle HIV discrimination under the Public Sector Equality Duty.

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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