

23 May 2024

Case reference: IC-304182-N0Y5

We are now in a position to respond to your information request of 30 April.

Request

"As you are aware, Zellis UK Limited announced a cyber-attack involving personal data breaches in June 2023 which occurred in the previous month...

Zellis has claimed... that the above was reported to the ICO and the commissioner will take no regulatory action against it in respect of the above. It claims that the ICO's communication to Zellis of 24/10/2023 confirms the above...

We therefore write to request confirmation of whether you carried out any investigation with respect to the Zellis cyber-attack. If you have carried out any investigation, please could you reply to confirm the findings of your investigation? If you have not carried out any investigation, please confirm the reasons for your decision not to investigate the Zellis cyber-attack.

When replying please forward to us copies of the reports which Zellis made to the ICO, the cyber investigation report and your communication to Zellis of 01/11/23."

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

Our response

We understand your request relates to a data breach report concerning Zellis UK Ltd announced in June 2023. Specifically, whether the ICO carried out an investigation, the findings, copies of reports made to us by Zellis UK Ltd, the ICO's cyber investigation report and the letter to the organisation communicating the outcome as referenced by Zellis UK Ltd.

We can confirm we hold a data breach report that matches your description. The incident was looked at by our cyber incidents team and we provided the outcome to Zellis UK Ltd on 24 October 2023. Please find enclosed a copy of this letter. Some information has been redacted as it is information that relates to a third party. We do not hold any outgoing correspondence for the date 1 November 2023.

We are withholding the data breach report provided to us by Zellis UK Ltd under section 44 of the FOIA and further details on this are provided below. We do not hold a cyber investigation report created by the ICO. The outcome on the case was based on the information provided to us by the organisation.

Section 40 FOIA

We have redacted some information in the letter under section 40(2) by virtue of section 40(3)(a)(i), which is the exemption under FOIA concerning personal information. Section 40(2) allows a public authority to withhold information from a response to a request when the information requested is personal data relating to someone other than the requestor, and its disclosure would contravene one of the data protection principles.

Section 44 FOIA

We are withholding the data breach report provided to us by Zellis UK Ltd under section 44 of the FOIA. This is an absolute exemption which means that it can be withheld without further consideration if other legislation prevents its release, if it meets certain conditions, and if none of the circumstances that would give us lawful authority to release it apply.

Section 44(1)(a) of the FOIA 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'

In this case, the Data Protection Act 2018, Part 5, Section 132 prohibits the disclosure of confidential information that –

- 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.

We do not have lawful authority to disclose to you the information relating to this incident as this information was provided to us in confidence.

Section 132(3) imposes a criminal liability on the Commissioner and his staff not to disclose information relating to an identifiable individual or business for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so or it has been made public from another source.

This concludes our response to your request. We hope you found this information 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 [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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**For information about what we do with personal data
see our [privacy notice](#)**