

29 May 2024

Reference number: IC-301895-S3N2

Request

On 19 April 2024, you stated to us *"Please would you supply me with all communication passing between your office/legal advisers and the JAC [Judicial Appointments Commission]/their legal advisers on my complaint to date?"*. This was received on case IC-278867-L1C2.

A member of ICO staff contacted you, on 22 April 2024, to clarify if your request related to just case IC-278867-L1C2 or if it also related to another ongoing case, IC-267125-Q5P5.

On 29 April 2024, you contacted us and stated *"The cases are IC-278867-L1C; IC-267125-Q5P5;...The reference to the request ("Please would you supply me with all communication passing between your office/legal advisers and the JAC/their legal advisers on my complaint to date?") applies to the matters with which [name of the case officer] and you are dealing."*

As such, we have understood this to be request for our correspondence with the JAC, and theirs with us, for cases IC-278867-L1C2 and IC-267125-Q5P5.

As the scope of your initial request has changed, we have considered your 29 April 2024 email to be a new request, with 29 April 2024 the date it was received.

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

Our response

Having searched our records, we can confirm that we hold information in the scope of your request. Please find enclosed the information in the scope of your requests.

For case IC-267125-Q5P5, the majority of submissions from the JAC have been withheld under section 44 of the FOIA. The redactions on pages 20-23 are withheld using the same exemptions.

Section 44(1)(a) 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"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(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."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result, the information is exempt from disclosure.

Any other redactions are due to the information being personal data, which is exempt from disclosure under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. As such, we are withholding the information under section 40(2) of the FOIA.

We can also advise that we received two copies of the JAC's 16 April 2024 letter to you. These were received at different times, as seen on pages 18 and 29, however, it seems unnecessary to provide you the exact same information twice.

For case IC-278867-L1C2, the withheld information and unredacted emails have been withheld due to section 44 of the FOIA. Any other redactions are due to personal data, which are exempt from disclosure under section 40(2) of the FOIA. These exemptions are explained in more detail above.

We can also advise that when the ICO contacted the JAC on 23 April 2024, we also sent to them a copy of our initial investigation letter, dated 26 March 2024, and a copy of their response letter to us, dated 17 April 2024. For the reasons mentioned above, we have not provided you with the exact same information twice.

This concludes our response.

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

ico.

Information Commissioner's Office



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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