

18 April 2024

IC-296684-B4Q4

Request

In summary, you asked us:

"THG have told me that they replied to a letter from the ICO last year. Is it right that if I want to see that letter I need to do an FOI?"

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

Our response

We have searched our records based on the information you provided.

We searched for correspondence sent by THG to the ICO in 2023 in response to ICO correspondence. This means that we did not include searches for correspondence sent by THG that was not prompted by ICO contact.

We have found one piece of correspondence in the scope of your request. However, this correspondence relates to an individual's data protection complaint and is therefore being withheld from disclosure under Section 40 of the FOIA.

Section 40

As you may be aware the FOIA provides access to recorded information held by a public authority unless an appropriate exemption applies. Disclosures under the FOIA are considered to be applicant blind, and are therefore made to 'the world at large.'

The correspondence in scope of your request is about information that was provided to us by the complainant and is personal data about them. We would therefore need to consider whether the exemption at section 40(2) of the FOIA applies.

When individuals complain to us about the way an organisation has handled their personal data, we take the view that complainants do not generally expect their personal data to be shared with the world at large.

Generally speaking we take the view that any disclosure of personal data provided to the ICO as part of our investigation into a complaint would be unfair, and would therefore be in contravention of the first data protection principle. This requires personal data to be processed lawfully, fairly and in a transparent manner in relation to the data subject.

In such circumstances it would be appropriate for us to withhold this information in reliance on the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a).

Advice and Assistance

It is possible that the letter referred to by THG in their correspondence to you was different from the letter we identified based on the information you provided. If you believe this to be the case, you can submit a new information request with more specific detail, such as a more exact date for the letter from THG to the ICO or what letter from the ICO they were responding to.

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 set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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data see our [privacy notice](#)**