

10 June 2024

IC-307665-Y1D2

Request

We received your request on 24 March. You asked for the following information:

"Please provide me with a detailed breakdown of all internal processes and systems for upholding or denying complaints relating to the removal or anonymisation of any online content which names private individuals DIRECTLY FROM SOURCE URL's (not from search engine results pages).

I would also like a list of cases where the Information Commissioner has upheld or denied complaints made to them relating to requests for removal of such online content which names a private individual, along with reasons for the decisions.

I would also like copies of all internal discussions, if there have been any which directly or indirectly answer, question or clarify, whether publishers of materials online are considered to be sharing private data with a third party (eg Google or Bing) by intentionally allowing search engines to index their pages and deliberately not including a 'no-index' tag.

I particularly would like a detailed and comprehensive list of cases (if there are many then a summary list of broad content subjects and background circumstances will suffice) which you have received complaints about, and a list of actions you have taken, along with your reasons.

Considering time limits, I am happy to accept any reduced timescale that fits within, but maximises, the time limit allowed.

For example 24 months if possible, or reduced to the last 12 or 6 months if necessary."

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

I am refusing the Freedom of Information request you have made because it is vexatious, as per Section 14 (1) of the FOIA.

Section 14 (1) FOIA states that:

'14.—(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.'

The ICO's guidance explains that when deciding on whether or not a request is vexatious, the key question to be asked is,

'...whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress'.

Your request is almost identical to one that we received from you on 22 March 2023 and responded to under the reference IC-223271-N3F2 on 14 April. The only difference between the two is your addition for this request of the wording "*DIRECTLY FROM SOURCE URL's (not from search engine results pages)*" to the first section of your request and the final two sentences regarding applying appropriate timescales.

We refused to comply with that previous request under s.12 FOIA, advising that we could not complete the necessary searches within the appropriate costs limit of £450 or 18 hours' worth of searching and providing our reasoning for this. We explained in some detail why each section of your request would breach the costs limit, aside from the first section, which we advised we could respond to if submitted independently.

We also noted in that response that the second and fourth sections echoed multiple requests that we had received from you prior to that request where you had asked for lists of cases based on similar criteria and we had applied s.12 and advised you of how our case management system works and the types of criteria from which we can conduct automated searches.

Under the 'advice and assistance' section of that response we advised of ways that you could reframe your request in order that we could respond to it without breaching the costs limit in s.12.

This included resubmitting the first section of your request independently. We also advised that you could ask about whether the ICO had reached a policy position on whether pages with a 'no-index' tag are sharing personal data with third parties.

We advised however, that requests for lists of cases based on the criteria that you have provided would not be possible even if limited by timescale, because the volume of casework handled by the ICO means that we would have to limit the timescale considered to such an extent that the data produced would not be meaningful and may not yield any relevant results. Given that this issue, though of particular interest to you, does not appear to be one of significant public interest, and has not generated significant numbers of complaints, it would not be justifiable for the ICO to expend resources on conducting such searches.

Additionally, we explained why a request stated so broadly as the third part of your request could not be responded to due to the size of the ICO and the fact that discussions could be taking place in almost any part of the organisation. This is not altered by providing a limit by timescale as extensive consultations across the organisation would still be required.

You subsequently resubmitted the first part of your request under the reference IC-223271-N3F2 separately in accordance with our advice and we responded under the reference IC-229787-D8K9 on 23 May, providing all the information that we hold within the scope of that part of your request.

You also separately submitted a request to the ICO on the same date as the request referred to above in which you asked for a list of cases on similar specific terms and the ICO responded under the reference IC-223059-Z9X0 on 14 April, providing a similar explanation of why the request would breach the costs limit in s.12. You asked for an internal review of our response to that request, which was not upheld, and we further explained in our internal review response of 12 May why the necessary searches would breach the s.12 costs limit and had not been overestimated.

You submitted a follow up request to IC-232690-L3B5 in which you limited your terms to the most recent 50 Article 17 complaints against Google and we were able to respond to that request. When we did so we included a summary of the subject matter of the two case that we found which fell within the scope of your

request but advised that we would not be able to do this for requests where larger number of cases would fall in scope.

We later received a request from you dated 4 December 2023 which included further requests for lists of cases based on specific search terms around requests to search engines to delist links and we again had to respond to you under the reference IC-274066-L1P8 advising that this would require manual searches of our case management system and would breach the costs limit in s.12.

You followed up that request with another one dated 20 December 2023 in which you reduced the timescale of your request to 3 months and we provided the information to you in our response under the reference IC-276400-G3B7. We found two cases within the scope of that request.

You have however now reverted back to submitting the virtually the exact same request that you submitted a year ago under the reference IC-223271-N3F2, despite the fact that we explained to you in response to that request and multiple others why responding to a request of that nature would breach the costs limit in s.12. You also take no heed of the fact that we already responded to the only part of your request which does not breach the costs limit and provided all of the information that we held in respect of that part of your request.

I note that you did on this occasion offer to limit the timescale to 12 or 6 months, but this does not assist as we did explain to you in our previous response that limiting the searches by timescale would not be effective. This is especially the case here given that your terms are particularly broad, and would still require consultations with staff across the ICO.

Additionally, given that we are not required to search up to the costs limit under s.12, requesting that the search timescale be limited to whichever period will not breach the costs limit without consideration of whether such searches would reveal useful information does not change our view of this request.

We therefore advise that we are relying on s.14(1) in refusing to comply with this request. We will not, in reliance on section 17 (6), provide any further acknowledgements or refusal notices in response to any similarly themed requests in the future.

FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the

Information Access Team at the address below or e-mail icoaccessinformation@ico.org.uk.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



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