

19 June 2024

IC-311990-F1J0

Request

On 9 June 2024 you made the following request:

1. How many times in the last three years has the Information Commissioner's Office found organisations to have broken the law by destroying records?

*2. And, overall, are the Information Commissioner's Office longterm stats (if held) for finding organisations illegally deleting files rising, or dealingsince this seems practice seems to have become more prevalent worldwide .
eg One the famous case - Hillary Clinton.(31,830 emails,)*

3 And has the Information Commissioner's Office produced any reports on the problem of upholding the law, since it is presumably a function of the Information Commissioner's Office ?

One example: The UK destruction of Parliamentary WhatsApp messages.

4 Or indeed ANY report on the illegal destruction files by organisations, or individuals - and how the Information Commissioner's Office might combat it.

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

Response

We hold information that falls under the scope of your request. However, we are refusing the request because locating the information that relates to points 3 and 4 would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA). Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit. The Freedom of

Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

You have asked for '*any reports on the problem of upholding the law*' and '*ANY report on the illegal destruction files by organisations, or individuals - and how the Information Commissioner's Office might combat it.*'

A report can be defined as an account of a particular matter. This might cover anything from a case summary to a published report. The ICO might report on challenges associated with upholding the law in a range of contexts, for example, in relation to complaints, data breaches, audits, stakeholder engagement, policy or guidance. Similarly, information about how the ICO might address issues relating to illegal destruction of data could be summarised in a range of possible contexts, such as (but not limited to) the examples given above.

Due to the broad scope of points 3 and 4 of your request, it is not possible to reliably locate all relevant instances using keyword searches alone. For example, it is unclear how we would conduct a keyword search for all instances in which we have mentioned 'the problem of upholding the law', or how the ICO might 'combat' destruction of files. Extensive manual searches would instead be required to locate any relevant instances. This would involve a significant investment of resources.

For example, even if we conducted a keyword search of our electronic document and records management systems, the parameters are so broad that we are looking at thousands of results. Our casework systems are not fully keyword searchable, so it would take even longer to locate any relevant documents that might match the descriptions given in your request.

We can search our casework management systems for particular categories, for example complaints involving Article 32 (security of processing). However, this brings up over 5000 data protection complaint cases. It would take manual searches to check a) whether or not any of these related to the destruction of information and b) whether or not any of these contained a report matching the description given in your request. Alternatively we can search for cases in which the field 'information lost/destroyed' has been selected. Again this amounts to large numbers of cases and we would need to check which of these related to information being destroyed, as well as whether or not they contained a report.

Assuming it took two minutes to check each item or case from the search results described above, it would take over 33 hours just to check 1000 items or cases,

and it is certain that some searches would take much longer than that. As we are talking about thousands of item/case checks, we are satisfied that the work involved would certainly exceed the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA. On this basis we are refusing the request.

Advice and assistance

Points 1 and 2 of your request appear to relate to Section 77 (FOI) and Section 173 (DPA) offences. We don't hold any records of prosecutions for the past three years, but further information about our work in this area can be found in responses to previous requests – please see the examples below:

[IC-262531-F6F8](#)

[IC-242864-B0X0](#)

[IC-241022-G7G3](#)

[IC-155125-H1M7](#)

[IC-141912-L5P6](#)

You can search for other responses relating to your areas of interest by visiting our [disclosure log](#).

In terms of loss of information more broadly, we publish some information about personal data breaches, complaints and investigations [here](#) and summaries in [our annual reports](#), as well as [action we've taken](#).

Some of the information mentioned above may also be of interest in relation to points 3 and 4 of your request, as well as the published reports and other information that can be found [on our website](#). This includes [research reports](#) and [news summaries](#). Based on your interests, you might find the following report helpful, for example:

<https://ico.org.uk/media/about-the-ico/documents/4020886/behind-the-screens.pdf>

We have considered how you might be able to refine points three and four of your request to bring the request within the cost limit. We can consider requests for reports relating to specific topics created within limited timeframes (such as reports about particular organisations, investigations or incident types) or reports created in relation to particular areas of our work (such as an audit report or an investigation report).

To avoid a Section 12 refusal in future we advise that you are as specific as possible about the type(s) of report you are seeking, when making your request, rather than using general terms such as 'upholding the law' or 'destruction of files' which are likely to return a significant number of search results.

Any request that requires us to manually search large numbers of records is likely to exceed the appropriate limit, and the accuracy of any such searches could not be guaranteed. Consideration can also be given as to whether the value to the public of any resulting information is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

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](#) 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