

Case Reference Number IC-296684-B4Q4

18 April 2024

FILE NOTE:

Looked for any letters sent to the ICO by THG (The Hut Group) in 2023 in response to correspondence from the ICO.

THG does not appear on stakeholders list, so judged that it was highly unlikely that there had been correspondence between Policy and THG in 2023.

Found 1 PDB reported by THG, but the correspondence included only the breach report and the ICO's response – there was no THG response to the ICO's letter.

Found 2 complaints about THG from 2023. Only 1 included a response from THG - IC-258924-P2H3. However, as it is a DP complaint it will be withheld PD.

■ 18/4/24

From: accessicoinformation@ico.org.uk
To: [REDACTED]
CC:
Subject: [REDACTED] 24/03/24 FOI - Copy of a letter sent from THG to the ICO
Direction: Incoming
Date Received: 26/03/2024 11:55

THG appears to relate to The Hut Group (see corres attached to the BAS case).

From: [REDACTED]
Sent: Tuesday, March 26, 2024 11:32 AM
To: Information Access Inbox <AccessICOinformation@ico.org.uk>; [REDACTED]@ico.org.uk
Subject: Information Access Referral
Importance: Low

Referral to IA from [REDACTED]@ico.org.uk

Information Request

Name of Requester: [REDACTED]

Contact for Requester: [REDACTED]

Date Request Received: 2024-03-24

The Request: 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?

Relevant Case Reference(s): IC-271740-T3J9

Verbal, Written or Sift Request?: Written request

Verbal Request Only - Do the contact details match our records?:

Verbal Request Only - Read the request back to the requester?:

Verbal Request Only - Have you provided ICO privacy information?:

Written Request Only - Location of the request: case change from a piece of casework, dated 24th march but received 26th march

Written Request Only - Sensitive information labelled?: Don't know/ not applicable

Written Request Only - All information on relevant case?: complaints team also

Sift Queue Request Only - Which Sift Queue:

Sift Queue Request Only - Email Subject Line:

Any Other Information: please see case for more info

General

Subject: IC-296684-B4Q4 Worked By:
Display Name:
Datasets: No
CMEH Case Reference:
Late Response Reason:
Team Received Date: 26/03/2024
Proactive Disclosure: No
Category of Request: Action we've taken - enforcement
Received by ICO: 24/03/2024 08:00
Date Acknowledgement Sent: 26/03/2024
Date response due: 23/04/2024 08:00
Date response sent: 18/04/2024 08:00

Legislation Reasons

Reasons:

Connected To	Role (To)
S1 - General Right of Access	Primary Reason

Withheld Reasons:

Connected To	Role (To)
S40 - Personal information	Withheld Reason
S40 - (2) Information is exempt as it constitutes personal data that doesn't fall under section (1)	Withheld Reason

From: icocasework@ico.org.uk
To: [REDACTED]
CC:
Subject: Acknowledgement of information request - ICO Case reference: IC-296684-B4Q4
Direction: Outgoing
Date Sent: 26/03/2024 14:45

26 March 2024

Our reference: IC-296684-B4Q4

Dear [REDACTED]

Thank you for your recent request for information. We received your request on 24 March 2024. Your request will be allocated to an Information Access Officer who will contact you under the reference number above in due course.

In summary, your request is:

"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?"

Under statutory timeframes our response to your request is due by 23 April 2024. If you have any queries about this information request you may email us, quoting our reference number in the subject line.

Please note that Information Access Officers are only able to address information requests to ICO; they are unable to assist with complaints to ICO, or to provide general advice about the legislation we oversee, as this work is done by other ICO departments.

Our privacy notice explains what we do with the personal data you provide to us when you make an information request: <https://ico.org.uk/global/privacy-notice/make-an-information-request>

Thank you for your interest in the work of the Information Commissioner's Office.

Yours sincerely

Information Access Team
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0303 123 1113 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email

Please be aware we are often asked for copies of the correspondence we exchange with third parties. We are subject to all of the laws we deal with, including the data protection laws and the Freedom of Information Act 2000. You can read about these on our website (www.ico.org.uk). Please say whether you consider any of the information you send us is confidential. You should also say why. We will withhold information where there is a good reason to do so.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice

From: [REDACTED]@ico.org.uk
To: icocasework@ico.org.uk;
CC:
Subject: IC-296684-B4Q4 internal consult
Direction: Incoming
Date Received: 18/04/2024 15:27

From: [REDACTED]
Sent: Wednesday, April 17, 2024 10:50 AM
To: [REDACTED]@ico.org.uk>
Cc: [REDACTED]
Subject: RE: FOI request - response needed

Hi [REDACTED]

There are no other letters from THG other than the breach report they submitted – it was closed off in November as the Data Processor (Yodel) was investigated as the breach happened with them.

Thanks
[REDACTED]

[REDACTED]
Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF
T. [REDACTED] F. 01625 524510 ico.org.uk twitter.com/iconews
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If you wish to submit an information request or want to exercise any of your data protection rights, please forward your email to the Information Access Team at accessicoinformation@ico.org.uk, or you can call us to make a verbal request relating to your personal data on our Helpline 0303 123 1113.

For information about what we do with personal data see our [privacy notice](#)

From: [REDACTED]@ico.org.uk>
Sent: Wednesday, April 17, 2024 9:26 AM
To: [REDACTED]
Subject: RE: FOI request - response needed

Hi [REDACTED]

Yes, I will be consulting with The Hut Group before disclosure.

Would it be possible to get a copy of all correspondence they sent to us about the case after the initial breach report?

If possible, let me know by Friday. If there are any issues with this please let me know.

Best,
[REDACTED]

[REDACTED]
Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
T. [REDACTED] F. 01625 524510
ico.org.uk twitter.com/iconews

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From: [REDACTED]
Sent: Friday, April 12, 2024 2:35 PM
To: [REDACTED] [@ico.org.uk](mailto:[REDACTED]@ico.org.uk)>
Cc: [REDACTED]
Subject: RE: FOI request - response needed

Hi [REDACTED]

This case was closed in November 2022.

I don't see why we can't share it with you on our side, will the Data Controller be asked?

The initial correspondence is the self-breach report provided by the Data Controller.

Kindest Regards,

[REDACTED]
Cyber Incident Response and
Investigation Team
Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
T. [REDACTED] F. 01625 524510
ico.org.uk twitter.com/iconews
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From: [REDACTED] [@ico.org.uk](mailto:[REDACTED]@ico.org.uk)>
Sent: Friday, April 12, 2024 1:31 PM
To: [REDACTED]
Subject: FOI request - response needed

Hello,

I am currently handling an FOI request for a letter sent by The Hut Group in response to the ICO regarding an investigation into a PDB. The breach is in ICE as IC-178616-Y0X2, but I can see that it was referred to investigation.

Can you confirm if this investigation is still ongoing or if it's been concluded? If it's been concluded, would it be possible to access the correspondence from The Hut Group to the ICO regarding the case?

If possible, please let me know by 18 April 2024. If there are any issues with this, please let me know.

Best,

[REDACTED]

[REDACTED]
Information Commissioner's Office, Wycliffe
House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. [REDACTED] F. 01625 524510 ico.org.uk
twitter.com/iconews

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From: icocasework@ico.org.uk
To: [REDACTED]
CC:
Subject: ICO Case Reference: IC-296684-B4Q4
Direction: Outgoing
Date Sent: 18/04/2024 16:50

18 April 2024

Case Reference: IC-296684-B4Q4

Dear [REDACTED]

Thank you for submitting an information request. Further to our acknowledgement of 26 March 2024, I can confirm that we are now in a position to respond to your request of 24 March 2024.

Please find our response attached.

Yours sincerely,

[REDACTED]
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews

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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



Information Access Team
Risk and Governance Department, Corporate Strategy and
Planning Service

Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF

ico.org.uk twitter.com/iconews

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

From: [REDACTED]
To: icocasework@ico.org.uk;
CC:
Subject: Re: ICO Case Reference: IC-296684-B4Q4
Direction: Incoming
Date Received: 22/04/2024 09:53

External: This email originated outside the ICO.

The page you reference is broken:

<https://ico.org.uk/media/about-the-ico/policies-and-procedures/1883/ico-review-procedure.pdf>

I wish a review of this FOI.

I asked for all documents concerning my case: IC-271740-T3J9 :

[REDACTED], 26 March 2014:

"Thank you for clarifying this, I have forwarded this information to our information access team to add on to the request."

It seems that message did not get through.

[REDACTED] told me she had passed my case on to be investigated so I assume there must be documents.

Also THG (UK2) have told me the ICO wrote to them and they replied:

"I believe THG (Uk2) subsequently responded to the various assertions by way of a letter dated 10 November 2023."

It is not clear why you cannot find the letter you wrote to THG (UK2) and their reply letter.

Please explain why you could not find the letters?

Please can you now process my FOI request and I would hope this can be expedited given that the 1st request was not handled correctly and I have already waited 20 days.

Kind regards
[REDACTED]

From: icocasework@ico.org.uk
To: [REDACTED]
CC:
Subject: Your email to the ICO - Case Reference: IC-296684-B4Q4
Direction: Outgoing
Date Sent: 24/04/2024 13:55

24 April 2024

Our reference: IC-296684-B4Q4

Dear [REDACTED]

Thank you for your recent request for an internal review of our response to your information request.

You can expect us to respond in full by 20 May 2024. This is 20 working days from the date we received your request for internal review. If, for any reason, we cannot respond by this date we will let you know and tell you when you can expect a response.

I have also referred your request with the added detail of the date of the letter as a new request. An information access officer will contact you shortly regarding the request.

Thank you for your interest in the work of the Information Commissioner's Office.

Yours sincerely,

[REDACTED]
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF


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General

Subject: IC-296684-B4Q4-290420240928 Worked By:
Display Name:
Reviewer: 
Case Officer:
Date Review Received: 22/04/2024
Date Response Sent: 20/05/2024

Review

Primary Review Reason: Exemptions applied
Secondary Review Reason: Exemptions applied

Decision

Primary Reason Outcome: Not upheld
Secondary Reason Outcome: Not upheld

From: icocasework@ico.org.uk
To: [REDACTED]
CC:
Subject: ICO Case Reference: IC-296684-B4Q4
Direction: Outgoing
Date Sent: 20/05/2024 10:05

20 May 2024

Our reference: IC-296684-B4Q4

Dear [REDACTED]

Please find attached the response to your Internal Review Request.

You have now completed the internal process. If 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 either the Freedom of Information Act or Environmental Information Regulations.

Yours sincerely,

[REDACTED] - Information Access Team
Information Commissioner's Office

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0303 123 1113 ico.org.uk twitter.com/iconews

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Date: 20 May 2024

Case Reference IC-296684-B4Q4

Review of response to information request

I write further to your email of 22 April 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-296684-B4Q4

As a result, we have conducted an internal review of our response to your information request which was handled under the above reference number. I am a Group Manager in the Information Access Team, and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 24 March 2024 we received a request from you which said: *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?*

This was acknowledged on 26 March 2024, with the request repeated in full within the acknowledgment email. We received no communication from you following receipt of that email.

The request was responded to on 18 April 2024. The request was refused due to reliance on the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a).

Review

On receipt of the response, you requested an Internal Review as follows:

I wish a review of this FOI.

I asked for all documents concerning my case: IC-271740-T3J9 :

█, 26 March 2014:

"Thank you for clarifying this, I have forwarded this information to our information access team to add on to the request." It seems that message did not get through.

█ told me she had passed my case on to be investigated so I assume there must be documents. Also THG (UK2) have told me the ICO wrote to them, and they replied:

"I believe THG (Uk2) subsequently responded to the various assertions by way of a letter dated 10 November 2023." It is not clear why you cannot find the letter you wrote to THG (UK2) and their reply letter. Please explain why you could not find the letters? Please can you now process my FOI request, and I would hope this can be expedited given that the 1st request was not handled correctly, and I have already waited 20 days.

The purpose of this review is to look again at your request and the response that was provided to you, to ensure it was correct and that any exemptions applied were appropriate.

I can confirm that I have reviewed the correspondence on the information request and will respond to the comments made.

Firstly, you are questioning the wording of the original request. The request considered under IC-296684-B4Q4 was as repeated in the acknowledgement email. You did not reply to that email querying or correcting the wording of the request being considered. Therefore, *"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?"* was what was considered in this case. The expanded request was logged as a new case and is being considered accordingly.

You have then gone on to ask: *"Also THG (UK2) have told me the ICO wrote to them, and they replied: "I believe THG (Uk2) subsequently responded to the various assertions by way of a letter dated 10 November 2023." It is not clear why you cannot find the letter you wrote to THG (UK2) and their reply letter. Please explain why you could not find the letters?"*

The response does advise that information within the scope of the request was located. Consequently, you are incorrect in saying that the ICO could not find the correspondence with THG. However, the in-scope information located was withheld from disclosure under Section 40 (2) of FOIA. This is because it constituted the data of a third party. The initial response explained that when individuals complain to the ICO about the way an organisation has handled their personal data, we are of the opinion that complainants do not generally expect their personal data to be shared with the world at large. In view of the above, I will reiterate that in such circumstances it would be appropriate for us to withhold this information in reliance of the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a).

For these reasons, your review is not upheld.

Finally, I have noted the advice and assistance provided in the initial response in respect of communications with THG and that a new request is being considered for you which hopefully will resolve the matter.

Complaint procedure

If you are dissatisfied with the outcome of this review, you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint:

<https://ico.org.uk/make-a-complaint/>