

2 July 2024

IC-314693-F0D8

Request

You asked us:

Regarding a personal data breach recently reported in the [press](#) involving the Post Office, you asked:

Please therefore urgently confirm the following:

1. Whether ICO has received any formal notification from Post Office Limited or its representatives concerning the apparent breach.

2. That the ICO will investigate this matter regardless of any formal notification from Post Office Limited.

3. What actions (including enforcement) the ICO intends to take in respect of this matter, both in the circumstances a notification is made by Post Office Limited and if not.

4. If the ICO have received details concerning the breach, including how it occurred, how long and in what format the document was available online, and what steps Post Office has taken to rectify the matter, please provide us with that information.

We received your request on 20 June.

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

Our response

We do hold information within the scope of your request.

We are able to confirm that the Post Office has reported the incident to the ICO and that we are currently assessing the information provided. We are not able to disclose any further details at this time and this information is withheld under s.31 FOIA.

FOIA section 31

Some of the information you have requested is exempt from disclosure under section 31(1)(g) of the FOIA. We can rely on section 31(1)(g) of the FOIA where disclosure:

"would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

"(a) the purpose of ascertaining whether any person has failed to comply with the law...

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."

Our investigation into the Post Office is still ongoing. To release the information you have requested would be likely to prejudice the ICO's ability to conduct the investigation in an appropriate manner. Disclosure at this stage would discourage our ongoing discussions between the ICO and the Post Office and may damage our ability to conduct and conclude the investigation fairly and proportionately.

Our investigations are carried out most effectively and efficiently through the free and voluntary provision of information and co-operation from Data Controllers, this is threatened if there is a fear that information will be disclosed prematurely in response to FOI requests.

Whilst we do have powers to compel organisations to provide us with information in the exercise of our regulatory powers, the use of such powers is more time consuming and burdensome on our resources than voluntary communication as set out above. Our ability to regulate effectively would therefore be hampered if we had to rely more heavily on these powers to obtain information to support our investigations.

Disclosure could also jeopardise the ICO's ability to obtain information relating to other cases in the future.

Any information released at this stage could be misinterpreted, which in turn could distract from the investigation process.

Information disclosed at this stage could also be misused by organisations wishing to evade regulatory action by the ICO.

With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are:

- increased transparency in the way in which the Post Office has responded to the ICO's enquiries; and
- increased transparency in the way in which the ICO conducts its investigations.

The factors in withholding the information are:

- the public interest in maintaining organisations' trust and confidence that their replies to the ICO's enquiries will be afforded an appropriate level of confidentiality;
- the public interest in organisations being open and honest in their correspondence with the ICO without fear that their comments will be made public prematurely or, as appropriate, at all; and
- the public interest in maintaining the ICO's ability to conduct investigations as it thinks fit, without interference caused by the premature release of information

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

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



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