

12 July 2024

**Case reference: IC-316369-K5Z3**

We are now in a position to respond to your information request of 28 June.

**Request**

You asked us for the following:

*"I would also like to make a freedom of information request into what proportion of complaints resulted in enforcement action for the last year which you have information."*

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

**Our response**

We publish the outcomes of our completed complaint cases on our website [here](#). These datasets are currently available up to quarter 3 of 2023/24. Datasets for quarter 4 of 2023/24 will be published in due course.

We understand your request relates to data protection complaints but these datasets include complaints handled under FOIA and Environmental Information Regulations 2004 (EIR). Decision notices in those cases can be found online [here](#).

You can find further information on the case outcomes we use for data protection complaints [here](#). Where we determine it is appropriate, we will refer matters to our investigation teams who may ultimately take enforcement action.

'Investigation pursued' is used where a case has been referred to our investigation teams (civil and cyber investigations). Cases dealt with by these teams can be found in datasets on the same webpage.

Enforcement action can result from information gathered from other sources, such as self-reported personal data breaches from organisations. These cases are also listed on the datasets webpage.

Our annual reports provide a breakdown of our casework information by financial year. These are available on our website [here](#). See page 53 for data protection complaints in the 2022/23 annual report. The 2023/24 annual report will be published shortly.

Details of our enforcement action can be found on our website [here](#). This will often include how we were advised of the issue. The approach we take to regulation is outlined in our [regulatory action policy](#).

It may help to explain that we use the information provided to us by members of the public who bring data protection concerns to us to build up a picture of compliance of organisations. You can find further information on how we handle data protection complaints on our website [here](#).

## **Section 21 FOIA**

The published information within scope of your request is technically withheld under section 21 of the FOIA, which explains that we are not required to provide information in response to a request if it is already reasonably accessible to you from another source.

## **Section 22 FOIA**

Our casework datasets are currently available up to quarter 3 of 2023/24. Datasets for quarter 4 of 2023/24 onwards will be published in due course. The 2023/24 annual report will be published shortly.

Section 22 of the FOIA states that information is exempt from disclosure in response to an information request if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

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

- Openness and transparency in providing details of our completed casework as regulator.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant information (casework datasets and annual report) which will include the relevant information in the near future, and at that point the information will be in the public domain.
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests would not be an efficient use of our resources, when we intend to publish this information in due course.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

This concludes our response to your request. We hope you found this information helpful.

### **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



Information Access Team  
Strategic Planning and Transformation  
Information Commissioner's Office, Wycliffe House,  
Water Lane, Wilmslow, Cheshire SK9 5AF  
[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

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