

1 August 2024

ICO case reference– IC-320196-G4L0

Request for Information

Further to our acknowledgement of 17 July 2024 we are now in a position to respond to your request for information to the Information Commissioner's Office (ICO).

Request

You asked us: *"I understand that a sanction was issued by your office in 2021 against MEDIGOLD HEALTH in respect of a data breach. As you no longer publish information prior to 2022, I would be grateful for any information you could provide regarding the breach, particularly the date, nature of the breach, type of information compromised and the sanction imposed."*

We received your request on 17 July 2024.

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

Our response

We searched our electronic case management systems for any personal data breaches reported by Medigold HealthCare before 2021 to the Information Commissioner's Office.

We do hold some information about a personal data breach reported by Medigold Health Consultancy Limited.

Our searches show that a personal data breach about a cyber incident was reported by Medigold Health Consultancy Limited (MediGold Healthcare) on 19 August 2019 which was initially considered under IC-22358-C4J0 and was referred to our Investigations Team for investigations on 12 September 2019.

However any information relating to this breach provided by Medigold Helathcare to the ICO has been withheld under section 44 of the FOIA.

FOIA Section 44 and DPA section 132

Section 44(1)(a) states:: Section 44(1)(a) states:

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment.

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

As a result we cannot disclose the information unless we have lawful authority.

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result, the information is exempt from disclosure.

I can also confirm that having carried out reasonable searches of both our new and old electronic case management systems, our Investigations Team have not been able to locate any information relating to their investigations as it is no longer held and has been deleted in line with our Retention Disposal Policy. Although we cannot confirm but it is highly unlikely that any formal Regulatory Action was taken by the ICO relating to that breach.

This concludes our response to your request. We hope you find this information useful.

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