

07 August 2024

## **IC-322691-R2Q4**

### **Request**

You asked us:

*"Under the Freedom of Information Act, I would like to request the following information:*

*Complaints that involve artificial intelligence technology over the past five years.*

*I'd like the information to include, if possible:*

*Which sector the organisation belongs to.*

*A summary of what the complaint was about, e.g. personal data being used to train a model without permission, failure to carry out a DPIA, or collecting more data than is needed to develop an AI system."*

We received your request on 30 July 2024.

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

### **Our response**

I can confirm we will hold information within the scope of your request however we are unfortunately unable to provide you with the information you have requested as to do so will exceed the cost limit at section 12 of the FOIA.

You may be aware section 12 of the FOIA makes clear that a public authority (such as the ICO) is not obliged to comply with a FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

The information you have requested is likely to sit within our electronic case management system, which we largely use to track and progress individual cases. However, this system is not set up to easily provide us with the type of information you have requested. Generally speaking this is not the sort of information we would need for our own day to day business purposes.

We do not hold summaries of cases of the type you suggest in your request. Case officers usually complete fields relating to the parts of the legislation which the complaint relates to, rather than the specifics of the complaint such as whether it involves artificial intelligence technology (AI).

This means that we cannot electronically extract the information needed to answer your request from our records. Much of the relevant information will be contained within the documents, correspondence and properties of each individual case.

We hold complaint cases for two years after the last action on the case. In the 2023/24 financial year we received 39,721 data protection complaints.

As we cannot electronically extract the information you have requested we would be required to enter each case individually to check if the complaint related to AI. Where the initial complaint is about AI this would be relatively quick to locate as it would likely be included in the first documents held on the case, however, it is possible that a complainant may raise further concerns about a Data Controller's processing at any point during the correspondence about a complaint.

If we were to look only for complaint cases where the initial complaint related to AI this would be likely to take a minimum of 30 seconds per case, and in all likelihood closer to 1 minute per case. If we allowed the lower estimate of 30 seconds per case, searching for the information you have requested just on the complaints we received in the 2023/24 financial year would still equate to over 330 hours of work which is well in excess of the section 12 FOIA cost limit.

## **Advice and Assistance**

I have given some consideration as to how you may be able to narrow the scope of your request to bring this within the cost limit.

You may wish to look at the [datasets](#) we publish on our website. This will give you an indication of the type of information that we can electronically extract regarding complaint cases.

If you were interested in complaints about a particular organisation which relate to AI then we may be able to provide some information.

Article 22 of the UK General Data Protection Regulation (UKGDPR) relates to automatic processing. If you were interested in which complaints relating to this article are about AI we may be able to answer this within the cost limits, although this is unlikely to capture all complaints about AI particularly the examples you provide in your request.

As explained above we do not hold a case summary and would therefore not be able to provide one. The closest thing we have to case summaries are the details included on the datasets which are published.

This concludes our response to your request. I appreciate this response may be disappointing, however, if you are able to revise your request we would be happy to consider any new request you may wish to make. I should point out that any reformulated request you may wish to make will be treated as a new FOI request, and the 20 working day time limit will begin again.

## **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  
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)

Please consider the environment before printing this email

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