

Date: 17 April 2024

IC-297231-V5N9

Request

You asked us:

"... a Decision Notice on the ICO's website issued with regards to a complaint brought against the Tees Valley Combined Authority, under Case Reference No. IC-253841-L8V1. On Monday evening the case was listed with a decision date of 29 March 2024, a date that is this coming Friday, Good Friday. The following day (Tuesday 26 March), the listed decision date was corrected to 29 February 2024.

Maybe you could offer details as to how this change came about?"

We received your request on 27 March 2024. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

I can confirm that we do hold information in scope of the request. We were notified by email that the date was incorrect and we subsequently corrected it. I consider the information that we hold on this matter is exempt from disclosure by virtue of section 44 FOIA. Further details have been provided about this exemption below.

FOIA Section 44 and DPA section 132

Some information has been withheld under section 44 of the FOIA. 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 that Act states:

"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."

The information was provided to the Commissioner in the course of discharging his functions, relates to an identified individual or business, and is not available to the public nor has it previously been available. I find the conditions in section 132(1) are therefore met.

While section 132(2) lists circumstances in which a disclosure can be made with lawful authority, I do not consider any of them apply here. As a result, the information is exempt from disclosure.

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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