

9 August 2024

IC-324297-B9W1

Request

You asked us:

Can you please provide me with a summary of all the data protection act breach complaints made about Willsons Solicitors, and the poor performances of Data Protection that have been reported to the ICO in relation to Willsons Solicitors, as I would like to identify if there is a pattern of Data Breaches in the past.

We received your request on 6 August.

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. You can find datasets with details of the data protection complaints, personal data breach reports and investigations that we have handled since the start of 2021 on our website [here](#).

This includes relevant dates, the name of the Data Controller concerned and the outcome of the complaint or other matter. For data protection complaints, if you filter the column titled 'Submitted About Account', you can find complaints submitted against a particular organisation, such as Wilson's Solicitors.

For cases that closed prior to 2001, we no longer hold information about those cases as they would have been deleted in line with our retention schedules.

The published datasets provide the information that you are looking for up to the end of March 2024 (Q4 2023-2024), this information is technically exempt under s.21 FOIA as it is reasonably accessible to you by means other than making an information request.

We publish these datasets on a quarterly basis in arrears so we are currently working on publication of the datasets for Q1 2024-2025 and will subsequently publish the data for the current quarter during Q3. We therefore have a settled intention to publish this information, meaning that is exempt from disclosure to you in response to this request under s.22 FOIA. Further information is provided about this below.

FOIA section 22

As we have done for the previous quarters, we intend to publish data sets for April- June 2024 within the current quarter and the work is well underway for this, and then to publish the subsequent quarter according to the same schedule and so on.

Due to the volumes of casework that we process and the rigorous checks we need to carry out in order to ensure that personal data and other sensitive information is not disclosed inappropriately, the process for publication of datasets is not one that can expedite more quickly than we are doing.

Our commitment to publishing this data on regular basis is clear from the speed and consistency with which we have published this information over the past three years. As a result we find that it is reasonable to withhold it in response to your request pursuant to section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act 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)."

In this case we find that the exemption at section 22 of the FOIA applies to some of the datasets requested. 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:

- Promoting transparency by providing up to date information on the ICO's complaints handling work in response to requests.

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 data sets in the near future (and at that point the information will be in the public domain anyway).
- Under the current schedule, information about closed cases is being published within the following financial quarter so this means that data is being made available while it is still recent and relevant and as quickly as it can be without compromising information security.
- The current process being employed is the most efficient way to make this data available without overly burdening resources and it is in the public interest that the ICO deploys its resources to provide services in the most efficient way.
- The rigorous checks that we undertake in order to publish the data sets are within the public interest as they ensure the efficacy of the data and avoid the potential for a data breach, and speeding the process along to the detriment of this would not be in the public interest.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair and discourage further engagement by the organisation involved.

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

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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