

Date: 17 May 2024

IC-301864-B6H2

Request

You asked us:

"What is your protocol if, in the course of investigating an information complaint, your officers find evidence suggesting criminal activity or other unlawful behaviour?"

I can think of three possible answers: either you don't have any protocol, which I think would be a bit slack, so it's unlikely; or there is some duty of confidentiality which means you cannot do anything, I cannot imagine why there would be, so I think this very unlikely.

Which means the most likely answer is that there is some duty to refer the matter to the relevant authority.

If this is the case, then what is the level of suspicion that triggers the requirement?"

We received your request on 20 April 2024. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

The ICO has its own Criminal Investigation Team. I have consulted with it to establish if we hold information in scope of your request and following that consultation, I can confirm we do not hold any information in scope of your request.

Our Criminal Investigation Team has advised that if a team handling a case feel there is a possibility that a criminal offence has been committed, they will refer it to our Criminal Investigation Team who will consider it further.

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 twitter.com/iconews
Please consider the environment before printing this email
For information about what we do with personal data see our [privacy notice](#)