

2 September 2024

**Case reference: IC-324038-C6M0**

We are now in a position to respond to your information request of 3 August.

**Request**

You asked the following:

*"I would like to make an FOI request.*

*On 31st January 2024, Stephen Almond wrote a post on the ICO's website about cookies, with a follow-up on 6th March 2024. I would like to make an FOI request about assertions Mr Almond made in these posts. I have written these questions in a narrative way and am happy for answers to be provided in a similar fashion rather than providing source information, but I only want to receive recorded information. If recorded information is not held, please confirm this in the normal way.*

*1) In January, Almond said that four organisations "have committed to reach compliance within the next month". Did this happen?*

*2) Following that January post, 11 organisations would still not be in compliance, although some were said to be working to develop alternative solutions. As six months have passed since this announcement, how many of them have failed to either come up with an alternative, or comply with the ICO's requirements?*

*3) For those who have developed alternative solutions, please provide a summary of the solutions they have adopted.*

*4) In March, Almond asserted that "Our next announcement in this space will be about enforcement action." How many of the 11 organisations in question are currently facing some form of enforcement action? This includes organisations where enforcement action has not been ruled out.*

*5) In January, Almond asserted: "We will not stop with the top 100 websites. We are already preparing to write to the next 100 – and the 100 after that." How many organisations has the ICO written to about their approach to cookies as part of this process after the first tranche of letters?"*

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

## **Our response**

We understand your request relates to the following blog posts on our website.

31 January 2024: [ICO warns organisations to proactively make advertising cookies compliant after positive response to November call to action](#)

6 March 2024: [ICO launches "consent or pay" call for views and updates on cookie compliance work](#)

Our original blog on this area of work was published on 21 November 2023: [Commissioner warns UK's top websites to make cookie changes](#)

We can confirm we hold information within scope of your request. Please find below information in response to your questions.

1. In January, Almond said that four organisations "have committed to reach compliance within the next month". Did this happen?

We can confirm this has happened. These organisations have taken action to change their practices.

2. Following that January post, 11 organisations would still not be in compliance, although some were said to be working to develop alternative solutions. As six months have passed since this announcement, how many of them have failed to either come up with an alternative, or comply with the ICO's requirements?

One organisation.

3. For those who have developed alternative solutions, please provide a summary of the solutions they have adopted.

In the 31 January 2024 blog we mention that organisations are developing alternative solutions including contextual advertising and subscription models. In answer to your question, the organisations have adopted a consent or pay model.

The ICO launched a call for views on 'consent or pay' in relation to online advertising in March 2024, which you can find online [here](#).

4. In March, Almond asserted that "Our next announcement in this space will be about enforcement action." How many of the 11 organisations in question are currently facing some form of enforcement action? This includes organisations where enforcement action has not been ruled out.

One organisation.

5. In January, Almond asserted: "We will not stop with the top 100 websites. We are already preparing to write to the next 100 – and the 100 after that." How many organisations has the ICO written to about their approach to cookies as part of this process after the first tranche of letters?

None. The ICO has not written to any additional organisations not included in those covered by the first tranche of letters.

This concludes our response to your request. We hope you found this information helpful.

## **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 [here](#).

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](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

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