

2 September 2024

IC-327309-N9F0

Request

On 20 August 2024 you made the following request:

Part 1 - Edinburgh Council

How many data breaches has been reported to UK IC by Edinburgh City Council for each year from 2018 to 2023?

How many significant data breaches have been reported by Edinburgh City Council to UK IC for each year 2018 to 2023?

How many data breaches have been reported by Edinburgh City Council in 2024 for each month to date?

How many significant data breaches have been reported by Edinburgh City Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or involved police investigation for the period 2018 to 2024?

Part 2 Glasgow city council

How many data breaches has been reported to UK IC by Glasgow City Council for each year from 2018 to 2023?

How many significant data breaches have been reported by Glasgow City Council to UK IC for each year 2018 to 2023?

How many data breaches have been reported by Glasgow City Council in 2024 to UK IC for each month to date?

How many significant data breaches have been reported to UK IC by Glasgow City Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or involved police investigation for the period 2018 to 2024?

Part 3 Aberdeen Council

How many data breaches has been reported to UK IC by Aberdeen Council for each year from 2018 to 2023?

How many significant data breaches have been reported by Aberdeen Council to UK IC for each year 2018 to 2023?

How many data breaches have been reported to UK IC by Aberdeen Council in 2024 for each month to date?

How many significant data breaches have been reported to UK IC by Aberdeen Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or making a payment to any person affected by the breach, or involved police investigation for the period 2018 to 2024?

Part 4 Angus council

How many data breaches has been reported to UK IC by Angus Council for each year from 2018 to 2023?

How many significant data breaches have been reported by Angus Council to UK IC for each year 2018 to 2023?

How many data breaches have been reported to UK IC by Angus Council in 2024 for each month to date?

How many significant data breaches have been reported to UK IC by Angus Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or making a payment to any person affected by the breach, or involved police investigation for the period 2018 to 2024?

Part 5 Stirling Council

How many data breaches has been reported to UK IC by Stirling Council for each year from 2018 to 2023?

How many significant data breaches have been reported by Stirling Council to UK IC for each year 2018 to 2023?

How many data breaches have been reported to UK IC by Stirling Council in 2024 for each month to date?

How many significant data breaches have been reported to UK IC by Stirling Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or making a payment to any person affected by the breach, or involved police investigation for the period 2018 to 2024?

Part 6 - North Lanarkshire council

How many data breaches has been reported to UK IC by North Lanarkshire Council for each year from 2018 to 2023?

How many significant data breaches have been reported by North Lanarkshire council to UK IC for each year 2018 to 2023?

How many data breaches have been reported to UK IC by North Lanarkshire Council in 2024 for each month to date?

How many significant data breaches have been reported to UK IC by North Lanarkshire Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or making a payment to any person affected by the breach, or involved police investigation for the period 2018 to 2024?

Part 7 - South Lanarkshire Council

How many data breaches has been reported to UK IC by South Lanarkshire Council for each year from 2018 to 2023?

How many significant data breaches have been reported by South Lanarkshire council to UK IC for each year 2018 to 2023?

How many data breaches have been reported to UK IC by South Lanarkshire Council in 2024 for each month to date?

How many significant data breaches have been reported to UK IC by South Lanarkshire Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or making a payment to any person affected by the breach, or involved police investigation for the period 2018 to 2024?

Part 8 - North Ayrshire Council

How many data breaches has been reported to UK IC by North Ayrshire Council for each year from 2018 to 2023?

How many significant data breaches have been reported by North Ayrshire council to UK IC for each year 2018 to 2023?

How many data breaches have been reported to UK IC by North Ayrshire Council in 2024 for each month to date?

How many significant data breaches have been reported to UK IC by North Ayrshire Council each month in 2024 to date?

Have all reported data breaches and significant data breaches been reported to UK IC within 72 hours since 2018 to present date (can I also have a breakdown of this for year 2024 by each month if it was within the timescale to report or outside the timescale)

Were there any reported (Significant) data breaches that have resulted in the organisation being fined or making a payment to any person affected by the breach, or involved police investigation for the period 2018 to 2024?

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

Response

We hold information that falls under the scope of your request. However, we are refusing the request because to locate the information requested in entirety would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA). This is due to the final question in each section which relates to the involvement of a police investigation and the organisation making a payment

to any affected individual. Please also note that any information in relation to this point, if held, would likely be exempt from disclosure. Information in relation to some of your other points is already available or due to be published on our website, and details about this can be found under the Advice and assistance section below.

Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny the extent to which the requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

It is not possible to electronically extract a list of breaches which involve or are linked to a police investigation or in which the organisation made a payment to any affected individuals. This is because we do not categorise personal data breach cases in this way, nor are all of our systems fully keyword searchable for this type of information. Such information, if held, could be recorded in multiple ways, for example as part of the case record, within documentation or correspondence held by our investigation teams, or may be referenced as part of other types of case where these relate to any given breach (such as a data protection complaint from an affected individual, within a data sharing request from a relevant police force or in any of our other engagement work with councils and the police more broadly).

There are approximately 297 cases on our case management system that are linked to the councils named in your request, including personal data breach reports made by the relevant council to the ICO (just under a third) as well as complaints and requests for advice submitted by individuals (in relation to a range of information rights issues). As any of the information on these cases could mention a police investigation or payments made by organisations in relation to a breach, we would need to check everything manually to determine whether or not we hold any information.

We would also need to search our legacy systems for any information that predates our current case management system, documentation held by our investigations teams in relation to the councils and relevant police forces (including any correspondence they have exchanged with either the councils or the police), any data sharing requests made to the ICO by police (which may relate to personal data breaches, complaints about these and/or the councils in question) and any other engagement work we have conducted with the relevant parties.

Assuming it would only take 5 minutes to check each case on our case management system alone (and in many cases it would take longer, depending on the amount of information held on the case), this would involve over 20 hours of work. This doesn't include the amount of time we would need to search the other documentation mentioned.

It is unclear how we could target our searches to narrow down the number of cases and types of documentation we would need to check in order to provide a comprehensive response to the final point within each section of your request. This is because the issues you have identified could cover a range of situations in which we might correspond with or about the listed councils and any relevant police forces regarding their involvement with particular data breaches.

We have therefore concluded that the amount of time required to conduct searches would likely far exceed the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA. On this basis, we are refusing your request.

Advice and assistance

Please note that we do not retain records of personal data breach cases indefinitely, and that information about breaches reported more than two years ago is unlikely to be retained in entirety, in accordance with our [Retention and Disposal Policy](#).

We publish information about personal data breaches, investigations and other types of cases [here](#). Most of these can be filtered by the name of the data controller and by date reported. Older data is available on archived versions of our website [here](#). This information covers the first and third points of each section within your request.

If you were to refine your request to ask for this information only, it would be exempt in accordance with Section 21 of the FOIA as the information is already accessible to you and can be filtered according to your requirements. More recent data sets are due to be published, so this information would likely be exempt in accordance with Section 22 of the FOIA.

It is worth noting that we do not categorise personal data breaches as 'significant' so we do not hold any information that falls within scope of the parts of your request that relate to 'significant' breaches (points 2 and 4 of each section within your request).

We could consider a request about whether or not breaches were reported within 72 hours, but some or all of this information may be subject to exemptions (for example if it relates to cases still under investigation).

We publish information about action we've taken [here](#). As you will see there are not any [monetary penalties](#) listed for the councils on your list.

As mentioned, the parts of your request that relate to police investigation and payments made by organisations could cover a broad range of areas in which we may correspond with the relevant parties. Actions taken by these parties do not necessarily relate directly to our work, and any instances we record may only be incidental and may not provide full details of any investigations or actions taken by third parties in relation to breaches.

Such information, if held, would likely be subject to exemptions, particularly where this relates to identifiable third parties or any ongoing investigations.

You might also want to consider requesting such information directly from the relevant public authorities (ie the councils and any relevant police forces) given that this relates more directly to their work than ours.

If you do decide to refine your request, please note that any request requiring us to manually search large numbers of records is likely to exceed the appropriate limit, and the accuracy of any such searches could not be guaranteed. Consideration can also be given as to whether the value to the public of any resulting information is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

This concludes our response to your request.

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](#)**