

23 September 2024

IC-331845-Y3L8

Request

You asked us:

*"Can we FOI @iconews to see how many complaints/referrals they have got about @gmcuk from various members of public ?
Is @gmcuk a "repeat offender" ?*

We received your request on 13 September.

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 data sets with details of all of the data protection complaints that we've handled over the past two years on our website [here](#), by clicking the link titled 'data protection complaints'.

The column titled 'submitted about account' includes the name of the data controller complained about, so you can filter this column in order to find complaints about the GMC.

We would add that we do not consider a data controller to be a 'repeat offender' just because we have received multiple complaints about them. It is not unusual for national organisations to be the subject of multiple complaints and this does not necessarily mean that there are serious organisational failings that may require regulatory action.

We do however use this data to help us identify where there may be patterns of more serious breaches that indicate concerns with a data controller's practices which require further investigation. This is based on a number of factors and not simply the number of complaints received.

This information is technically exempt under s.21 FOIA because it is available to you by means other than making a request.

The datasets currently provide data for cases which closed before the end of March 2024. We publish each quarter's data sets within the following quarter, and data for April-June 2024 will be available within the next week, with the data for July- September scheduled to be available by the end of December.

As this information is due to be published at a future date, it is exempt pursuant to s.22 FOIA.

This exempts information which is held with a view to its publication at a future date and when it is reasonable in all the circumstances that the information should be withheld from disclosure until that date.

As you will see from the data sets on our website, they contain large volumes of data, and in order to publish them we need to carefully check them to ensure accuracy, and that there are no inadvertent disclosures of personal data or sensitive case information.

Given that we are due to publish this information in the near future, we do not consider it reasonable that we should be required to provide this information in response to this request, and we therefore consider it appropriate to withhold it in this case.

This is not an absolute exemption, which means we must consider the public interest in maintaining the exemption against lifting it. In this case the public interest factors in disclosing the information are:

- The public interest in the ICO being open and transparent about its recent regulatory work.

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 which will include the

relevant information in the near future (and at that point the information will be in the public domain anyway).

- 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 and that we do not prioritise disclosing certain categories of information ahead of others when it would not be in the wider public interest to do so.

In this case we have determined that the public interest favours maintaining this exemption. Please check the relevant page on our website for updates in line with the timeline provided above.

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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