

6 September 2024

Case Reference IC-326477-Y8Z9

Request

You asked us:

"I understand that the ICO wrote to 53 companies towards the end of 2023 setting out its concerns and giving them 30 days to ensure their websites complied with the law.

I note that, in January 2024, the ICO received a very positive response. Of the 53 organisations they contacted, 38 organisations had changed their cookies banners to be compliant and four had committed to reach compliance within the next month.

Under the FOIA, can the ICO provide me with the names of:

- 1. The 53 organisations that were written to;*
- 2. The 38 organisations that had changed their cookies banners to be compliant; and*
- 3. The four that had committed to reach compliance;"*

We received your request on 16 August 2024.

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

Our response

We can confirm we hold information in scope of your request, however it is exempt from disclosure under section 31(1)(g) of the FOIA.

The reasons for the exemption are the same as set out in a previous FOI response we issued: <https://ico.org.uk/about-the-ico/our-information/disclosure-log/ic-287319-c7h8/>

Specifically, the arguments set out on pages 3 and 4 of that response letter are still applicable.

However, I will briefly re-iterate the arguments here in this letter.

Prejudice

The work on this project is still ongoing, and the disclosure of the names of the organisations may be counterproductive to what we're trying to achieve. If we opt to disclose the names, we may discourage engagement from them and any other organisations in future. This would undermine our approach so far which has yielded positive outcomes.

Public interest

We accept there is a public interest in cookie compliance and in knowing which data controllers are complying.

At this stage, we still consider there is a public interest in maintaining confidentiality for the organisations in this project, to the extent that it is resulting in effective outcomes with ongoing co-operation from them.

If we accept that the approach so far has been effective, then we can reasonably argue that there's a strong public interest in holding our approach of not disclosing names without a sufficient overriding basis.

On balance, we maintain that the public interest is in favour of withholding the requested information.

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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