

9 October 2024

Case reference: IC-330889-MON8

We are now in a position to respond to your information request of 11 September.

Request

"I am writing... to submit a formal Freedom of Information (FOI) request regarding Read AI (<https://www.read.ai/>) and its potential non-compliance with GDPR principles...

- 1. Data collection practices: We are concerned about the type and scope of personal data collected by Read AI, including whether they are transparent and lawful in their data collection methods.*
- 2. Data minimisation and purpose limitation: Does Read AI ensure that data collected is limited to what is necessary and used only for specified, legitimate purposes?*
- 3. User consent: We are interested in understanding how Read AI obtains consent from data subjects and whether this consent is freely given, specific, informed, and unambiguous in line with GDPR requirements.*
- 4. Data subject rights: How does Read AI ensure that individuals' rights under GDPR are upheld, including the right to access, rectification, erasure, and data portability?*
- 5. Data security measures: What measures does Read AI have in place to ensure the security of personal data, and how does the ICO assess these in terms of GDPR compliance?*
- 6. Data sharing and third-party access: Are there any concerns or investigations into how Read AI shares personal data with third parties, including potential international transfers outside the EEA, and the safeguards in place?*

[7] We would appreciate any details the ICO holds regarding any prior investigations, reports, or compliance assessments conducted in relation to Read AI, as well as any ongoing scrutiny of their data processing practices."

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

Our response

We understand your request to be for any details held on investigations, reports or compliance assessments conducted by the ICO in relation to Read AI (point 7). In so far as the topics discussed in points 1 to 6 constitute recorded information we may hold, we have included these within the scoping of point 7.

The ICO has a broad remit as regulator of data protection legislation. As such, we may have looked at the compliance of Read AI in a number of different areas of the organisation.

We have consulted with the ICO teams mostly likely to hold this type of information. This includes investigations, intelligence and stakeholder engagement teams. These teams do not hold information within scope of your request.

As regulator, we also look at the data protection concerns brought to us by members of the public. We receive a large number of data protection complaints each financial year. For example, in 2023/24 we received 39,721 and in 2022/23 we received 33,753 complaints. Our [annual reports](#) provide further detail on our yearly casework.

Whilst we may have received complaints about the use of Read AI by organisations, we are not able to search our casework management system for key words such as 'Read AI' within the correspondence on these cases. The only way we could identify any such complaints would be to manually search the information held on each case. Our casework records are held for two years in line with our retention schedule.

We are able to search for the organisation name a complaint was submitted about. We do not hold any complaints submitted about 'Read AI' as an organisation.

We have considered the cost of complying with your information request and unfortunately it exceeds the 'appropriate limit' as set out in section 12 of the FOIA.

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that

£450 would equate to 18 hours work. The time it would take to search the data protection complaint cases we hold would be well in excess of the appropriate limit at section 12 of the FOIA.

Advice and assistance

You could consider refining your request to narrow the number of complaint cases that would need to be searched, potentially bringing it under the cost limit at section 12. For example, an organisation name or sector. Please note, other FOIA exemptions may apply to information within scope of a refined request.

It may also help to explain that the focus of a data protection complaint will be on the processing of the complainant's personal data by the data controller, rather than a technical assessment of any software used.

If we decide to take action against an organisation it will be published on our [website](#), in line with our 'Communicating our regulatory and enforcement activity policy' available [here](#).

This concludes our response to your FOIA request. We hope you found the above 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](#) 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 schedule](#) details how long we keep information.

Yours sincerely



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