

9 October 2024

Case Reference IC-331662-S8P4

Request

I am writing to make the following requests for information under the Freedom of Information Act 2000:

- 1. Please could you detail how many enforcement notices within the meaning of section 149 of the Data Protection Act 2018 you issued between 1 April 2023 to 31 March 2024 and provide a list of these enforcement notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice.*
- 2. Please could you detail how many monetary penalty notices within the meaning of section 155 of the Data Protection Act 2018 you issued between 1 April 2023 to 31 March 2024, detail the total monetary sum of these penalties and provide a list of these monetary penalty notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice and the individual amount of the penalty.*
- 3. Please could you detail how many prosecutions for "unlawful obtaining" offences under the Data Protection Act you brought between 1 April 2023 to 31 March 2024 and (subject to any necessary redaction of personal data) provide a list of who was prosecuted, on what date and with what outcome.*
- 4. Please could you detail how many cautions for "unlawful obtaining" offences under the Data Protection Act you administered between 1 April 2023 to 31 March 2024 and provide the date when these cautions were administered.*
- 5. Please could you detail how many enforcement notices concerned with the Privacy and Electronic Communications Regulations you issued between 1 April 2023 to 31 March 2024 and provide a listing of these enforcement notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice.*
- 6. Please could you detail how many monetary penalty notices concerned with the Privacy and Electronic Communications Regulations you issued between 1 April 2023 to 31 March 2024, detail the total monetary sum of these penalties and provide a listing of these monetary penalty notices including (subject to any necessary redaction of personal data) the*

controller or processor who was issued with each notice and the individual amount of the penalty.

We received your request on 12 September 2024.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA).

Our response

We do hold information within the scope of your request. We have answered your questions in accordance with your numbering.

- 1. Please could you detail how many enforcement notices within the meaning of section 149 of the Data Protection Act 2018 you issued between 1 April 2023 to 31 March 2024 and provide a list of these enforcement notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice.*

We publish details of our [Enforcement action](#) on our website. This includes information relating to enforcement notices, monetary penalty notices and reprimands. You can filter this information by the type of action taken, dates and sectors you may be interested in. The published information includes action taken in relation to the Privacy and Electronic Communications Regulations 2003.

As this information is publicly available, it is technically withheld in reliance on section 21 of the FOIA, further details of which can be found below.

- 2. Please could you detail how many monetary penalty notices within the meaning of section 155 of the Data Protection Act 2018 you issued between 1 April 2023 to 31 March 2024, detail the total monetary sum of these penalties and provide a list of these monetary penalty notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice and the individual amount of the penalty.*

Please see our answer to question 1 above.

- 3. Please could you detail how many prosecutions for "unlawful obtaining" offences under the Data Protection Act you brought between 1 April 2023 to 31 March 2024 and (subject to any necessary redaction of personal*

data) provide a list of who was prosecuted, on what date and with what outcome.

We can confirm that between 1 April 2023 and 31 March 2024 we prosecuted 4 cases for the unlawful obtaining of information. The sentencing dates and outcomes are as follows:

Date of Sentence	Fine	Victim surcharge	Costs awarded
3 August 2023	£663	£63	£450
11 September 2023	£92	£32	£385
28 September 2023	£460	£184	£450
18 October 2023	£166	£32	£450

We have withheld the name of the defendants prosecuted pursuant to section 40 of the FOIA. This is explained in more detail below.

4. Please could you detail how many cautions for "unlawful obtaining" offences under the Data Protection Act you administered between 1 April 2023 to 31 March 2024 and provide the date when these cautions were administered.

We can confirm that between 1 April 2023 and 31 March 2024, 2 cautions were issued for the unlawful obtaining of information. The cautions were issued on 12 December 2023 and 20 February 2024.

5. Please could you detail how many enforcement notices concerned with the Privacy and Electronic Communications Regulations you issued between 1 April 2023 to 31 March 2024 and provide a listing of these enforcement notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice.

Please see our answer to question 1 above.

6. Please could you detail how many monetary penalty notices concerned with the Privacy and Electronic Communications Regulations you issued between 1 April 2023 to 31 March 2024, detail the total monetary sum of these penalties and provide a listing of these monetary penalty notices including (subject to any necessary redaction of personal data) the controller or processor who was issued with each notice and the individual amount of the penalty.

Please see our answer to question 1 above.

Information withheld

Section 21 FOIA

This exempts information which is reasonably accessible through means other than a request under the FOIA. Section 21 states that we do not need to provide a copy of information when you already have access to it. However, we have provided a link for your convenience.

Section 21 is an absolute exemption, which means it is not necessary for us to consider a public interest test.

Section 40(2) FOIA

Section 40(2) of the FOIA exempts information if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation.

We find that the condition at section 40(3A)(a) applies in this instance: that disclosure would breach one of the data protection principles. The principles are outlined in the General Data Protection Regulation (GDPR) with the relevant principle on this occasion being the first principle as provided by Article 5(1): that personal data shall be processed lawfully, fairly and in a transparent manner.

We do not consider that disclosing this information into the public domain is necessary or justified. There is no strong legitimate interest that would override the prejudice to the rights and freedoms of the relevant data subjects. We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

This concludes our response.

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 set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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