

08 October 2024

ICO Case Reference IC-331693-P2D3

Request for information

Request received 13 September 2024:

"How many breaches of data protection legislation does the ICO have recorded by the Department for Work and Pensions (DWP)? How many of these breaches did the DWP deny that they had breached their obligations?"

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

"How many breaches of data protection legislation does the ICO have recorded by the Department for Work and Pensions (DWP)?"

We do hold information in scope of this request. We have searched our casework management systems for personal data breach (PDB) reports from DWP, and for data protection complaints against the DWP in which we found they had infringed the legislation (the outcome of the case being recorded as 'Infringement').

We currently hold information for 115 data protection complaints about the DWP where we have recorded an infringement of the legislation. We also hold 30 PDB reports in which DWP have self-reported a data breach to the ICO.

"How many of these breaches did the DWP deny that they had breached their obligations?"

We do not hold information in scope of this request. We have interpreted this

to be a request for the number of case reviews requested by the DWP on the 115 cases specified above. Once an infringement has been recorded on a data protection complaint case, if the data controller disagrees with our case outcome and disputes that they have infringed the legislation, they can request a case review. We found no instances where the DWP requested a case review.

Advice and assistance

Your request is for "*How many breaches of data protection legislation does the ICO have recorded by the Department for Work and Pensions (DWP)? How many of **these** breaches did the DWP deny that they had breached their obligations?*" – emphasis added. Please be aware that if the DWP had asked for a case review and we subsequently revised the case outcome, that case would not be recorded as 'Infringement', so we have not counted it in the figures provided above. Therefore, it is possible that the DWP has successfully disputed a case outcome where we had recorded an infringement but then changed the outcome following a review.

Please also note that when investigating a data protection complaint we do not ask the data controller being complained about whether they agree or deny that they have breached their obligations, and so we do not typically record this specific information. Therefore, there may be cases where a data controller does not request a case review but does disagree with our case outcome.

It may also be recorded in our correspondence with the data controller that they deny they have breached their obligations, but this would require a manual search of all our complaint case files. Any request requiring such a manual search may be of little statistical utility as it would require a subjective assessment of the views expressed in the correspondence from the data controller. It would also not take into account instances where the data controller does not consider that they have breached the legislation but they do not record this with us in writing.

It may be helpful for you to know that we publish details of [Data protection complaints](#) and [Personal data breach cases](#) reported to us in our [Complaints](#)

[and concerns data sets](#). Some more serious PDBs are referred to our investigations department, and these are shown in the relevant investigations datasets. Due to the ICO [Retention and Disposal Policy](#), we do not hold casework records indefinitely.

It may also be helpful for you to read the [Case outcome descriptions for DP complaints](#) document on the ICO website for information on the case outcomes that are recorded against data protection complaints.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. This complaint will be handled just like a complaint made to the ICO about any other public authority.

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

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