Title: Reprimand Redaction Process

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Summary

Before a reprimand is published, it is necessary to consider and where appropriate, apply, redactions to the text.

This is to ensure that information which is not suitable for public consumption is redacted from reprimands before the material is uploaded to the Information Commissioner's Office's (ICO) website.

Redactions do not remove text, they simply block it from view, usually by way of a solid black line that is applied to the appropriate text using redaction software.

The process set out below explains who is responsible for identifying text that should be redacted and the circumstances under which redactions would ordinarily be applied.

It is important to remember that the ICO is the UK's regulator for the access to information legislation and should lead by example in relation to openness and transparency of our work.

Additionally, as the regulator for data privacy, we should take a risk based approached to the publication of any material that contains personal data in particular.

Whilst these points are very important, it is however useful to note that in most cases it is anticipated that published reprimands will be subject to very few redactions.

1. When should redactions be applied?

Redactions should be applied on a case-by-case basis.

Where an organisation subject to a reprimand requests that a redaction be made, this should be considered and where appropriate, the redaction should be applied.

However, the fact that an organisation has requested that a redaction be made is not an automatic guarantee that such redactions are appropriate. For example, where such redactions could remove substantive details of the organisations failings and the reasons for issuing a reprimand, these will usually be declined.

The ICO should also take steps directly to ensure that information that is not suitable for public consumption is redacted, i.e. it should not rely on representations from the organsiation alone and should take proactive steps to redact information where appropriate.

Text that should usually be **redacted** includes:

- Personal data of ICO staff (name aside) – for example, contact details
- Personal data of the individual at the organsiation to whom the reprimand is issued
- Personal identifiers of any affected data subjects, or information that might otherwise lead to them being identified
- Personal identifiers of any of the organisations staff members involved in the contravention, or information that might lead to them being identified using third party information i.e. information that might identify a staff member who disclosed some information in error
- Commercially sensitive information
- Information that might pose a security risk to the organsiation, the ICO, the UK or internationally (both physical or in respect of considerations such as cyber or nation state security)
- Location data (where information was lost for example) in circumstances where this might pose a risk to the information or individuals involved
- Information that might prejudice the ICO's statutory functions (for example, information that reveals a particular investigative tactic)
- Information relating to third parties who are not subject to the reprimand. i.e. in cases where onward disclosure from an originating party is a feature (a Police Force to the CPS for example)
- The name of the LCO sending the reprimand (NB: if a Team Manager/Group Manager or above is named, this would not usually be redacted).

Text that should **not usually be redacted** includes:

- The identity of the organisation receiving the reprimand
- The address for issue (unless this is a non-public address such as an individuals' email contact)
- The date of the reprimand
- The name of the person who has issued/signed the reprimand or who dealt with the case
- Details of why the reprimand is being issued, such as the UKGDPR / DPA18 contraventions, the circumstances of the breach and the ICO's findings
- The steps the organisations have been recommended to take
- The date(s) of any follow up

These lists are not intended to be exhaustive and redactions should be applied on a case by case basis which considers the context of the file and the reasons for publication.

2. Who is responsible for identifying what information should be redacted?

The officer dealing with the case is responsible for identifying what information should be redacted.

Support is available from Team Managers, Group Managers, and the Head of Department to assist with decision making where required. Where redactions are being considered in relation to Notices, Regulatory Legal Colleagues will provide a steer.

The Officer dealing with the case is encouraged to seek peer support, including a 'fresh pair of eyes' to look over the proposed redactions ahead of application. A second check once the redactions are applied is also recommended.

Officers are encouraged to plan adequate time to assess the extent of any redactions needed, in such a way that allows them to concentrate on this task without distractions.

3. How should redactions be applied?

The Investigation Team has several persons who have access to redaction software (typically eRedact, Bundledocs or Adobe).

The current list is as follows:

- [redacted] (Civil)
- [redacted] (CRIT)
- [redacted] (CRIT)
- [redacted] (CRIT)
- [redacted] (CRIT)
- [redacted] (CRIT)
- [redacted] (FRU)
- [redacted] (FRU)
- [redacted] (FRU)

The documentation the Officer dealing with the case requires to be redacted should be sent to the contact on their team, or where they are not available, a suitable alternative, within good time to allow them to apply the redactions ahead of publication.

Unless absolutely unavoidable, this should not be left until the day of publication itself.

When submitting the redacted reprimand to Comms, the Website Updates Guide (sharepoint.com) should be followed.

4. Risks to be aware of

- It is important to ensure that the redactions are effective (i.e. cannot be removed/reversed) before they are provided to Comms/the web team for publication. Peer checking can assist with this, but the officer dealing should contact their line manager if they are unsure of anything.

- Where there are a substantial number of redactions to be applied, this may indicate that the entirely of the reprimand is not suitable for publication. The officer dealing should contact their line manager for advice if they think this may be the case.
- It may be necessary to manage the expectations of the organisation concerned – a request for material to be redacted from an organisation does not automatically mean that redaction is appropriate.
- For future reference and to ensure that it is clear that redactions were applied to a reprimand, a note should be added to the Crimson Log and any other points at which the issue of a reprimand is recorded (for example, the Corrective Measures spreadsheet) to make it clear that redactions were applied.
- Consider whether any restricted markings have been applied to the reprimand, for example, is it marked 'Official sensitive'? If yes, it may indicate that the reprimand is not be suitable for publication or the restricted marking may have been misapplied, in which case it will need to be removed ahead of publication.
- Please note, any reprimands issued to Welsh DC's should also be translated into Welsh. The Welsh Regional Office can assist with this.

In the first instance, Officers should contact their line manager if they have any questions.