

10 October 2024

IC-331834-K8J7

Request

You asked us:

1. *The ICO's views and policies regarding commercial companies displaying GDPR logos on their websites, particularly when the company, its underlying registered entity, or its owner/director are not registered as data controllers*
2. *The ICO's approach to enforcing data controller registration requirements for companies that claim to collect and process personal data, as stated in their privacy notices, but are not registered with the ICO. This includes situations where:*
 - a) *The exact legal entity behind a website is unclear*
 - b) *Multiple related companies have been incorporated and dissolved in a short timeframe*
 - c) *The company's privacy notice explicitly states compliance with GDPR*
3. *The ICO's policies and procedures for investigating and potentially prosecuting individuals or companies that process personal data without proper registration as data controllers. Please include:*
 - a) *Any flexibility or discretion the ICO has in pursuing prosecutions*
 - b) *References to any relevant statutes or guidelines that allow for non-prosecution in certain circumstances*
4. *The ICO's stance on privacy notices that confirm data sharing with third parties but fail to specify who those third parties are or the reasons for sharing. Please include:*
 - a) *How the ICO views this practice in relation to GDPR compliance*
 - b) *What actions, if any, the ICO is required to take when such breaches are identified*
5. *Any guidance or policies the ICO has regarding the use of GDPR logos or claims of GDPR compliance by companies, particularly in cases where actual compliance may be questionable*

6. *Statistics on the number of investigations, warnings, and prosecutions the ICO has conducted in the past three years related to:*
- a) *Unauthorized use of GDPR logos or claims of compliance*
 - b) *Failure to register as a data controller when required*
 - c) *Inadequate privacy notices*

We received your request on 12 September 2024.

We have handled your request under the Freedom of Information Act 2000 (the FOIA). Some elements of your request ask for our views on and approach to certain matters and are not necessarily valid requests for the purposes of the FOIA. Public authorities are not obliged to create new information in response to a request.

Our response

I can confirm we hold information falling within the scope of your request, however have to confirm that locating the full extent of the information requested would breach the cost limit envisaged by 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 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

In order to locate information in relation to part six of your request we would need to manually search through hundreds of investigations and thousands of complaints. This is because our systems are not configured to easily retrieve information based on the terms set out in your request.

Any investigation we have carried out in the last three years could have involved an organisation claiming they were compliant with the legislation. Similarly, any complaint we have received about a data controller may have raised an issue with their privacy notice.

You can see how we categorise investigations and complaints by looking at our [investigations](#) and [data protection complaints](#) datasets.

Advice and assistance

Given how broad part six of your request is in relation to investigations, it is not possible to advise on how to bring it within the cost limit. Even if you were to limit your request to investigations carried out in the last year, this would involve manually searching close to 300 cases which would still breach the cost limit. We could not guarantee the accuracy of results obtained via manual searching, and consideration would need to be given to the value in carrying out such work.

You may therefore wish to submit a fresh request omitting investigations from part six.

However, we can provide the following information that may be of interest to you and that covers some of your points.

In some cases we publish details of [enforcement action](#) taken against organisations. You can read through each of the reprimands, monetary penalty notices and enforcement notices to see if any fall in scope of part six of your request.

You can find some relevant information in our [annual reports](#). In the latest report published, for example, we explain that we contacted almost 1.3m UK organisations to inform them of the data protection fee.

The ICO does not hold the copyright to a GDPR logo. You can find information about our position on [copyright and re-use of materials](#) on our website.

Our approach to enforcement of non-payment of the data protection fee has no bearing on what is stated in an organisation's privacy policy. There are certain [exemptions](#) from the fee which means that not all organisations will need to pay, even if their privacy notice says they process personal data.

The ICO does not have the power to prosecute data controllers or individuals for non-payment of the data protection fee.

Our [Regulatory action policy](#) outlines our approach to fixed penalties for failure to pay the data protection fee. You can also find guidance for organisations about the [data protection fee](#), and details of [penalty notices](#) issued for non-payment, on our website.

Our views on privacy information can be found in our website guidance for organisations on the [right to be informed](#). The ICO is not required to take action when an infringement is found, but can exercise discretion. This is set out in our [regulatory action policy](#).

You may also be interested in our [outcomes of complaints](#).

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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