

24 October 2024

ICO case reference– IC-336807-K2B7

Request for Information

Further to our acknowledgement of 9 October 2024 we are now in a position to respond to your request for information to the Information Commissioner's Office (ICO).

Request

In relation to case reference IC-293514-P7M2 you asked ICO: *"Please could I also make a formal request for copies of any representations made to the ICO in respect of our clients complaint by the public authority or any other relevant parties and any response by the ICO to those parties"*.

We received your request on 4 October 2024.

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

Our response

We can confirm that we do hold the information within the scope of your request.

Please note that we have not included copied information which was sent to your firm on 6 August 2024 by WCC referred to in their email of 27 August 2024 to ICO. This is because we assume you will already have a copy of that. However, if you would like a further copy of the copied information sent to your firm then please do let us know.

Please find attached below a copy of all information which falls in scope of your request. We have redacted and withheld some of the information.

All information provided by Warwickshire County Council (WCC) to ICO in its unredacted form has been withheld. We have also redacted hyperlinks to unredacted information within their correspondence with ICO.

This information is exempt by virtue of section 44 (prohibitions on disclosure) of the FOIA.

Further details concerning the above exemptions are provided below:

FOIA section 44 (& DPA s132)

This information has been withheld under section 44 of the FOIA. Section 44(1)(a) states:

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result, the information is exempt from disclosure.

This concludes our response to your request.

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