

5 November 2024

Case Reference IC-337561-Y1P6

Request

You asked us:

"Dear ICO,

I am writing to you under the Freedom of Information Act 2000 to request the following information from the organization.

I request, all correspondences and minutes of any discussions about EDDOLLS (MANOR FARM) LIMITED ("Eddolls")

Including and not limited to:

*Written Correspondences Between the ICO and Eddolls (Manor Farm) Limited
Data controller for registration*

*Written Correspondences Between the ICO and any representative of the Eddolls
(Manor Farm) Limited but employed and unemployed by the firm*

Minutes of Discussions or calls with any of the above.

Minutes of internal discussions in reference to any advise given."

We received your request on 11 October 2024.

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

Our response

We can confirm we hold information in scope of your request.

Please find the attached bundle of correspondence.

These are the items of correspondence which have been processed by our Data Protection Fees team in relation to Eddolls' registration. There is no further information held in scope of your request.

Some information has been redacted from the attached bundle. Please see below for further details.

We do not hold any minutes of conversations, other written information, or verbal communications between the ICO and Eddolls.

FOIA section 40(2)

You will see that some third party personal data has been redacted in our response. It is exempt under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

FOIA section 31 – Prevention of crime

Some of the information you have requested is exempt from disclosure under section 31(1)(a) of the FOIA.

We have withheld the security number, service user number, and other reference numbers contained in the attached correspondence (aside from the publicly available registration number).

This information has been redacted to prevent the risk of fraud. Specifically, we are withholding this information to minimise the risk of any person impersonating a representative of Eddolls, or to otherwise use the information, to make material changes relating to their ICO registration.

Section 31(1) states the following:

"(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime,"

Section 31 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

Prejudice test

Disclosure of the information would prejudice the ICO's ability to maintain a secure, private channel for Eddolls for their data protection registration and fee services with the ICO.

The information could be used by any person to try to get through our security checks for our data protection registration and fee services. It could be used during any attempts to act as a legitimate representative of Eddolls while communicating with the ICO.

Disclosure of this information under FOIA means we would be publishing it on our Disclosure Log (ie into the public domain). Any person who is motivated to disrupt or cause harm to Eddolls would easily be able to access the information on the Disclosure Log and use it for the above purpose.

Public interest test

With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are:

- increased assurance about the details involved in the ICO's registration process

The factors in withholding the information are:

- the public interest in the ICO maintaining its security protocols, to the extent it avoids unnecessary diversion of time and resources to manage any harms resulting from a disclosure of information

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

FOIA section 31 – Prejudice to regulatory functions

Some of the information you have requested is exempt from disclosure under section 31(1)(g) of the FOIA.

This part of the exemption applies to the security number, the other reference numbers, and the responses provided to us by Eddolls during the registration process (page 2 of the attached bundle).

We can rely on section 31(1)(g) of the FOIA where disclosure:

"would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

"(a) the purpose of ascertaining whether any person has failed to comply with the law..."

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."

Section 31 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

Prejudice test

Disclosing the information would prejudice our ability to obtain information from organisations for registration and other regulatory purposes.

If we disclose this kind of information, then organisations will be more wary about sharing details or engaging with the ICO, as they will have an expectation that their details will be shared upon request by default.

The information would be published on the ICO's Disclosure Log which could be accessed by any person or any organisation. It is likely that Eddolls and other organisations would not expect their submissions to the ICO to be widely published, particularly where the public interest in the information is minimal.

The disclosure would be likely to cause concern to Eddolls and other data controllers which would lead to unnecessary uncertainty about how the ICO is going to handle their information.

Public interest test

With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are:

- increased assurance about the details involved in the ICO's registration process
- increased transparency about the responses supplied by Eddolls to the ICO

The factors in withholding the information are:

- the public interest in maintaining organisations' trust and confidence that their information will be afforded an appropriate level of confidentiality;
- the public interest in organisations being open and honest in their correspondence with the ICO without fear that their information will be made public prematurely or, as appropriate, at all;

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

FOIA section 41 – Information provided in confidence

Some information has been withheld under section 41(1) of the FOIA, as it has been provided in confidence to the ICO by Eddolls.

Section 41 states:

"(1) Information is exempt information if—

(a) it was obtained by the public authority from any other person (including another public authority), and

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person."

On this basis, we have withheld the bank details on page 6 of the attached bundle.

Section 41 is an absolute exemption which means we don't have to consider the public interest which may be associated with the information.

The information could also fall under section 31 of the FOIA, however we consider that section 41 should be the prioritised exemption with this particular element of information. The information is clearly private, and there's no reasonable case for considering the public interest in the information.

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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