

4 October 2024

IC-330512-D9L3

Request

You asked us in multiple emails the following questions:

We have considered these emails to be one request.

"1) Under the Freedom of Information Act please can you provide the names of the 53 organisations referred to in the FOIA response reference IC-271704-Y3R7

2) "Under the Freedom of Information Act please can you tell me how many meetings the ICO has had with DCMS about the investigation into gambling / Operation Calder?"

3) "Under the Freedom of Information Act please can you provide all documents where Clean Up Gambling are mentioned in meetings between the ICO and DCMS?"

4) "Under the Freedom of Information Act please can you provide records of engagement between the ICO and DCMS related to Operation Calder."

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

Our response

I have responded to the questions below.

Question 1) *Under the Freedom of Information Act please can you provide the names of the 53 organisations referred to in the FOIA response reference IC-271704-Y3R7.*

This information is held by the ICO but it is being withheld under section 31 of the FOIA. I have explained below the reasons for this.

2) "Under the Freedom of Information Act please can you tell me how many meetings the ICO has had with DCMS about the investigation into gambling / Operation Calder?"

I have consulted with the relevant areas of the ICO and I can confirm that a meeting was held between the ICO and DCMS on 6 September 2024.

3) *"Under the Freedom of Information Act please can you provide all documents where Clean Up Gambling are mentioned in meetings between the ICO and DCMS?"*

4) *"Under the Freedom of Information Act please can you provide records of engagement between the ICO and DCMS related to Operation Calder."*

For questions 3 and 4 I can confirm that we do not hold the information that you have requested. Whilst there was a meeting between the ICO and DCMS the recorded information / correspondence relating to that meeting consists of emails arranging the meeting.

You may be interested in the following information that we have published on our website:

[ico-response-dcms-gambling-regulation-20230310.pdf](#) and [ICO backs new data sharing schemes to protect gamblers from harm | ICO](#)

Section 31 FOIA

We consider that the names of the 53 organisations to be exempt from disclosure under Section 31(1)(g) of the FOIA.

This section states:

"Information... is exempt information if its disclosure under this Act would, or would be likely to, prejudice – (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)

" The purposes referred to in Sections 31(2)(a) and (c) are:

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

The purposes at Section 31(2)(a) and (c) apply when a regulator is determining whether or not there has been a breach of relevant legislation, and whether any further action is appropriate.

The information you have requested relates to ongoing work we are conducting into the adtech sector. Our enquiries with these organisations is ongoing. To release the information you have requested at the present time could prejudice the ICO's ability to conduct the investigation fairly and in an appropriate manner.

The exemption at Section 31 is not absolute, and we need to consider the public interest test by weighing up the factors for and against disclosure of the information we hold at this time, as well as any prejudice or harm which may be caused by disclosure.

We have considered the public interest test for and against disclosure. In this instance, the public interest factors in favour of disclosure are:

- Openness and transparency on our work as regulator into the compliance of organisations with relevant legislation.
- The understandable interest of the public in being able to see the organisations who have been identified in our work on cookie compliance.

The public interest factors in favour of maintaining the exemption are:

- The need for the ICO to continue to encourage these organisations, and other data controllers, to engage with us as regulator.
- To ensure the confidentiality of the enquiries we have undertaken. Disclosure of the names while our enquiries are ongoing would be likely to undermine the effectiveness of this process, and our ability to conduct this work fairly and in an appropriate manner.
- The ICO has a demonstrable history of sharing information about our work when it is appropriate to do so, in line with our 'Communication our regulatory and enforcement activity policy', which you can read online here. We have stated that we will provide an update on this work in January 2024, including details of companies that have not addressed our concerns.

Having considered all of these factors we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it, and the information you have asked for is exempt from disclosure under S31(1)(g) of the FOIA.

This concludes our response.

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 [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA and EIR. 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 set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

Senior Information Access Officer



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