

5 November 2024

Case Reference IC-336902-T7J4

Request

1) All data breaches reported to the Information Commissioner's Office in the last 5 years, by year, from the following organisations:

- Metropolitan Police Service*
- London Ambulance Service*
- London Fire Brigade*
- Greater London Authority*
- Transport for London*
- Mayor's Office for Policing & Crime*

2) A detailed breakdown of the types, nature and severity of data breaches reported

3) Of these breaches, how many (by year and organisation) were the result of cyber attacks (incidents)

4) For 3), please provide a breakdown of the incident types, for example:

- Phishing*
- Ransomware*
- Distributed Denial of Service*

We received your request on 9 October 2024.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA).

Our response

We do hold some information in the scope of your request and have responded to your request in accordance with your numbering.

1) All data breaches reported to the Information Commissioner's Office in the last 5 years, by year, from the following organisations:

- Metropolitan Police Service*

- *London Ambulance Service*
- *London Fire Brigade*
- *Greater London Authority*
- *Transport for London*
- *Mayor's Office for Policing & Crime*

We proactively publish details of our completed casework on our website on the following link [Complaints and concerns data sets](#). These include data sets about [Personal data breach \(PDB\) cases](#).

The data sets currently on our website cover the period from Q2 2022/23 until the end of Q1 2024/25.

Due to our [Retention and Disposal Policy](#), we do not hold casework records indefinitely so the information contained within the data sets represent the information we still hold. We retain personal data breach cases which did not result in regulatory action for 2 years after the closure of the case. We therefore do not hold information for the last 5 years.

The data sets contain a column titled 'submitted about column' which you can use to filter the organisation you are interested in. There is a further column titled 'Cyber / Non-Cyber' which you can use to filter whether the breach was a cyber or non-cyber incident.

As you are able to calculate the number of incidents based on the information published in our data sets, this information is exempt under section 21 of the FOIA. This is explained in further detail below.

More recent information held by us, but not yet published, is also exempt by virtue of section 22 of the FOIA. This is also explained in further detail below.

2) A detailed breakdown of the types, nature and severity of data breaches reported

Whilst we do record the type and nature of data breaches, we do not record the 'severity' of the incident in those specific terms.

You may find it useful to look at our [Data security incident trends](#) which details the information we record when a data breach is reported to us, such as the number of people affected, the data subject type, the incident type and the data type.

We have considered whether we can disclose further details about the breaches that have been reported to us, however, the information we hold in relation to the breaches are exempt from disclosure by virtue of section 44 of FOIA. This is explained in further detail below.

3) Of these breaches, how many (by year and organisation) were the result of cyber attacks (incidents)

As explained in our answer to question 2, you can filter the data sets on our website to extract this information.

4) For 3), please provide a breakdown of the incident types, for example:

- *Phishing*
- *Ransomware*
- *Distributed Denial of Service"*

Whilst we do hold a breakdown of the incident types, we are unable to provide this information as it is exempt by virtue of section 44 of the FOIA as explained below.

Information withheld

FOIA section 21

This exempts information which is reasonably accessible through means other than a request under the FOIA. Section 21 states that we do not need to provide a copy of information when you already have access to it. However, we have provided the links above for your convenience.

Section 21 is an absolute exemption, which means it is not necessary for us to consider a public interest test.

FOIA section 22

Information is exempt from disclosure under section 22 of the FOIA if it is to be published at a future date. This is not an absolute exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

- Openness about organisations who have submitted data breach reports regarding their compliance with data protection legislation.

- Openness about the action we have taken in response to data breach reports
- The understandable interest of the public, and people affected by specific data breaches in the details and outcomes of those breaches

The factors in favour of withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing data sets in the near future which will include the requested information.
- Under the current schedule, information about closed cases is published within the following financial quarter so data is made available while it is still recent and relevant, and as quickly as possible without compromising information security.
- The current process being employed is the most efficient way to make this data available without overly burdening resources and it is in the public interest that the ICO deploys its' resources to provide services in the most efficient way. To prepare this information for disclosure earlier than our intended date of publication in response to individual requests would be an inefficient use of our resources.
- The rigorous checks we undertake before publishing the data sets are in the public interest as they ensure the efficacy of the data and avoid the potential for a data breach. Speeding this process along may be detrimental and would not be in the public interest.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair and discourage further engagement by the organisations involved.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we are satisfied that it is appropriate to withhold this information.

FOIA section 44

We are withholding the details of these data breaches 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. We do not consider it necessary or justifiable to disclose this information as there is no compelling public interest to do so. The Commissioner and his staff risk criminal liability if they disclose information without lawful authority. The right of access under the FOIA is not sufficient to override these important factors and the information is therefore withheld.

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. 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](#).



Information Commissioner's Office

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



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For information about what we do with personal data see our [privacy notice](#)