

31 October 2024

IC-340042-J3H1

## Request

On 24 October 2024 you made the following request:

"Please send me copies of the ICO's Whistleblowing Policy and the ICO's Procedures for responding to a whistleblowing disclosure."

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

## Response

We hold information that falls within scope of your request.

The ICO's whistleblowing policy is available on our website [here](#).

This policy applies to all employees of the Information Commissioner's Office (ICO) and other workers, officers, consultants, contractors, casual workers, secondees or agency workers undertaking activity on behalf of the ICO.

We also publish guidance for members of the public who want to make a protected disclosure to the ICO. Details about how to do this can be found [here](#), and our protection for whistleblowers guidance is [here](#).

Technically this information is exempt from disclosure in accordance with Section 21 of the FOIA, on the basis that this is already available to you, although the above links have been provided for your reference.

In addition to the above we also hold an internal document detailing how whistleblowing disclosures from members of the public are dealt with. A copy is attached. Some internal email addresses have been redacted in accordance with

Section 31 of the FOIA and some personal data has been redacted in accordance with Section 40(2).

### Information withheld – FOIA Section 31

We have withheld these email addresses under section 31(1)(g) of the FOIA. We can do this when the disclosure of information “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):

“ a. the purpose of ascertaining whether any person has failed to comply with the law,” and  
“c. the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.”

Misuse of internal email addresses that exist to support ICO staff would likely prejudice our ability to perform our regulatory functions. Disclosure would leave us vulnerable to phishing or other cyber-attacks, spam, or an increased volume of irrelevant correspondence which it would take us time to process.

There are other channels that the public can use to contact us, and they are publicly available via [our website](#).

The exemption at section 31(1)(g) is not absolute. When considering whether to apply it in response to a request for information, there is a ‘public interest test’. We have to consider whether the public interest favours withholding or disclosing the information.

In this case the public interest factor in favour of disclosing the information is:

- Increased transparency in the way in which the ICO conducts its operations.

The public interest factors in maintaining the exemption are as follows:

- Internal email addresses being used inappropriately will reduce the effectiveness and efficiency of our regulatory functions.
- The information of primary relevance to your request is not affected by the redaction of our internal email addresses.

- The public interest in transparency is met by the public provision of other more appropriate means of contacting us.

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.

#### Information withheld – FOIA Section 40

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.

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



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