

8 November 2024

Case reference: IC-338203-R0F7

We are now in a position to respond to your information request of 14 October.

Request

You asked us for the following:

"Your download on retention periods for which you keep data does not state the length of time you retain information. However, if your purpose is to build pictures of how data controllers are complainant with the law over time then the destruction of such data after a period of only six years would be inadequate...

Please provide proof of how long you retain past cases for...

I require sight of your policy in respect of how investigations carried out & the threshold you have beyond which regulatory action would be triggered. Please also provide data showing how many prior occasions in the last three years you have investigated WYP for recording incorrect data on members of the public."

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

Our response

Members of the public can bring concerns they have about how an organisation has handled their personal data to the ICO as regulator. These are data protection complaints and are looked at by our Public Advice and Data Protection Complaints Service (PADPCS). Where formal regulatory action may need to be considered, this is dealt with separately by our investigation teams.

We have provided the information within scope of your request for both data protection complaints and investigation cases.

Please find below information in response to your requests.

Your download on retention periods for which you keep data does not state the length of time you retain information... Please provide proof of how long you retain past cases for.

Our [Retention and Disposal Policy](#) details how long we retain information for. This is 2 years for complaint cases and 6 years for investigation cases.

I require sight of your policy in respect of how investigations carried out & the threshold you have beyond which regulatory action would be triggered.

Complaints and investigations are dealt with on a case by case basis. Case handlers will make a determination based on the information provided by the complainant (where applicable), the organisation involved (if we make enquiries with them), relevant ICO policies and UK legislation.

We provide information on how we handle complaints and what to expect from the complaints process on our website [here](#). We have also disclosed the training materials used by PADPCS on our disclosure log under [IC-236327-C7Q7](#).

With regards to our approach to regulatory action, please refer to our [Regulatory Action Policy](#) and [ICO25 – Our regulatory approach](#).

If we decide to take regulatory action against an organisation it will be published on our website [here](#).

Please also provide data showing how many prior occasions in the last three years you have investigated WYP for recording incorrect data on members of the public.

We understand WYP refers to West Yorkshire Police.

We publish datasets of our completed data protection complaints casework on our website [here](#). These can be filtered by the organisation and includes the main focus of the complaint (decision primary reason) and case outcome. The datasets are currently available up to quarter 1 of 2024/25.

According to our records we hold 89 data protection complaint cases about West Yorkshire Police for the last 2 years. We retain complaints casework for 2 years. Having reviewed these cases, we hold 12 complaints where the complaint is about, or refers to, incorrect information held about the data subject. This is based on the information in question being factually inaccurate rather the information being disputed. For example, the recorded opinions of third parties.

Of these 12 complaints, 1 was closed as 'insufficient evidence to proceed' and 1 is an open complaint. These 2 cases have therefore not yet been 'investigated' by the ICO.

We do not hold any investigation cases for West Yorkshire Police about the topic you have described. You can find datasets of our completed investigations on our website [here](#). These datasets are currently available up to quarter 1 of 2024/25.

Section 21 FOIA

The published information within scope of your request is withheld under section 21 of the FOIA, which explains that we are not required to provide information in response to a request if it is already reasonably accessible to you from another source.

This concludes our response to your request. We hope you found this information helpful.

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



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews

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