

8 November 2024

**Case reference: IC-339266-K1R4**

We are now in a position to respond to your information request of 18 October.

**Request**

You asked for the slides and any additional relevant information (notes) relating to the presentation given by guest ICO speakers about the Freedom of Information Act at a 'Data and Analytics Practitioners event' in October 2024.

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

**Our response**

Please find enclosed information within scope of your request. This is the slide deck and speaker notes for the two speakers.

The public interest test arguments for slide 10 in the 'speaker notes 1' attachment is taken from the decision notice about an earlier FOIA request, which is available on our website under [FS50548394](#).

We also publish guidance on the exemptions at sections 30 and 31, as well as guidance on sections 12 and 14 on our website. Please refer to the following links. The full list of FOI guidance can be found [here](#).

[Section 30 - Investigations and proceedings](#)

[Section 31 - Law enforcement](#)

[Requests where the cost of compliance exceeds the appropriate limit \(section 12\)](#)

[Dealing with vexatious requests \(section 14\)](#)

Some of the information in the 'speaker notes 1' attachment on page 11 has been redacted under section 31 and further information is provided below.

**Section 31 FOIA**

We consider the information on page 11 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 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.

To release this information at the present time would be likely to prejudice the ICO's ability to conduct our enquiries into the compliance of an organisation fairly and in an appropriate manner.

In considering the prejudice and/or harm that disclosure may cause, we have taken into account the factors that would, in our view, impact on the release of the information at this time. 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 in the way in which the ICO conducts its enquiries as regulator into the compliance of organisations with FOIA legislation.

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

- The need for the ICO to continue to encourage organisations to engage with us as regulator in the investigation of FOIA complaints. Disclosure of information provided in confidence, or considered to be confidential, under FOIA would be likely to have a long term detrimental effect on our ability to conduct our enquiries and exercise our functions as regulator.

- Allowing us a 'safe space' in which to consider information provided free from external influence, and to ensure the confidentiality of our analysis while matters remain live.
- The ICO has a demonstrable history of sharing information about our regulatory activities when it is appropriate to do so, in line with our 'Communication our regulatory and enforcement activity policy' available [here](#). Published decision notices can be found on our website [here](#).

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 is exempt from disclosure under S31(1)(g) of the FOIA.

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



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