

5 December 2024

Case reference: IC-340703-F7F1

Review of response to information request

I write further to your email of 15 November in which you requested a review of the handling of your information request of 28 October, dealt with under reference IC-340703-F7F1.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result, we have conducted an internal review of our response to your information request. I am a Senior Information Access Officer in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 28 October we received a request from you which sought the following information:

“Do you have any insight as to what progress has been made with this case, and if it is actively being investigated? For the sake of clarity, I want to add the danish inquiry - later tranfered to ICO into my request:

<https://www.datatilsynet.dk/presse-og-nyheder/nyhedsarkiv/2021/jul/datatilsynet-undersoeger-dataforhandler>”

On 15 November we responded to confirm that we did not hold the information within scope of your request.

Review

We understand your request to be for information about an ICO investigation into HuQ Industries regarding data concerns that were reported in 2021. Specifically, what progress has been made and if the investigation is active.

In order to respond to your request we conducted reasonable searches for the information within scope of your request. This included a search of our complaint and data protection breach casework, and consultation with our Investigation and International teams. No cases were held that matched your description for HuQ Industries.

It may help to explain that our complaints and data breach casework is retained for a period of 2 years. Investigations and international engagement work is retained for 3 to 6 years, depending on whether regulatory action is taken (investigations), or where the engagement is significant (international). It may be that we previously held an investigation about this matter but it has subsequently been deleted in line with our [Retention and disposal policy](#).

If we decide to take action against an organisation it will be published on our website [here](#), in line with our [Communicating our Regulatory and Enforcement Activity Policy](#).

You can find older versions of the ICO website via The National Archives [here](#). These include previous enforcement and datasets of our completed complaints, data breach and investigation cases. I conducted some preliminary searches of the datasets for the company name but was unable to find any results.

Additional searches

As part of this internal review, I conducted additional searches for the information requested. Following a review of media articles about the 2021 case, I widened the searches and consultations with ICO teams for other organisations that were mentioned who may have reported the issue. For example, Google publicly stated they were conducting an investigation. These returned no results for our complaints, data breach, investigation or international cases.

I also asked our Intelligence team to search their records for HuQ Industries and these additional organisations, in case a referral came to us via that route. They advised they held some information. This showed that the Danish Data Protection Agency contacted us in July 2021 to enquire if we held any information on HuQ Industries. We responded that we did not hold anything but they were registered

with the ICO. The relevant extracts from the Intelligence logs are provided below.

“Date into IH 09/07/2021

Referral dept: BAS

Information received: Huq Industry - Danish Data Protection Agency

The Danish DPA are looking into an enquiry about Huq Industry

Action taken: Flagged to DB – International”

In a later entry on 6 November 2021, the following is recorded.

“Previous log about DC - Danish DPA making us aware of investigation. DB responded and advised nil trace and informed them that that are registered with ICO”

IH refers to Intelligence Hub, BAS to Business Advice Services. DC refers to data controller. DB are the initials of the staff member in our International team.

Whilst the above information is not in scope of your request, we hope this provides some assistance in your area of interest. Following reasonable searches of our records, we do not hold an ICO investigation into HuQ Industries for the issue raised in 2021. It may be that we did conduct an investigation but the case has been deleted in line with our retention policy.

Given the above, I do not uphold your internal review on IC-340703-F7F1 and the response provided on 15 November was appropriate. However, I hope that the additional information provided here has been useful.

Complaint procedure

If you are dissatisfied with the outcome of this review you can [make a formal complaint](#) with the ICO in its capacity as the regulator of FOIA.

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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