

27 November 2024

## Case Reference IC-341197-W3P2

### Request

You asked us:

*"I would like a copy of the equality impact assessment conducted for the current trial to remove direct phone contact via 0303 123 1113 with the ICO's business advice line advisers. I would also like copies of any correspondence relating to this trial, including discussion and implementation."*

We received your request on 30 October 2024.

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

### Our response

We can confirm we hold information in scope of your request.

Please find the attached bundle of correspondence and documentation.

Some information has been redacted because it is unrelated to the subject which you have requested about, so it is information which is technically out of scope of your request.

## **FOIA section 40(2)**

You will see that some 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.

## **FOIA section 44 and DPA section 132**

Some information has been withheld under section 44 of the FOIA.

The two attachments on page 25 of the attached bundle contain information about specific helpline interactions. The attachments contain information which has been submitted to the ICO by external organisations in connection with regulatory enquiries.

We don't have the lawful authority to share that information here, as it was information provided to the ICO with an expectation of confidentiality.

However, for transparency purposes, we've attached reduced versions of the attachments. These versions have been amended so that they don't contain information which has been obtained from external organisations, or information which potentially identifies them.

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 ("DPA"). 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. As a result, the information is exempt from disclosure.

### **FOIA section 31 – Internal email addresses**

We have withheld some internal team 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.

## 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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