

28 November 2024

IC-343601-X7T5

## Request

On 9 November 2024 you made the following request:

"I would like to know how many data complaints you received about westmidlands police and their data team for the period between January 2021 and February 2024.

I would like to know how many of those complaints the ICO upheld in favour of the complainant in this time frame.

I would like to know how many times they were sanctioned in this period and what those sanctions were. For example action plans etc.

I would like to know how many data complaints involves accusations that the police and their data team deleted evidence/footage that the police held where a complaint of wrongdoing had been made in the same time period."

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

## Response

We have conducted reasonable searches and can confirm that we hold some information that falls within scope of your request.

In relation to your first point, we hold information about 103 data protection complaints made against West Midlands Police. Please note that we do not hold a complete record dating back to 2021, as complaint data is retained in accordance with our [Retention and Disposal Policy](#). This means that we do not typically hold information about complaint cases that are more than two years old.

In relation to point 2, we do not categorise complaints in terms of whether these were 'upheld in favour of the complainant' as this does not reflect how we record the outcomes of this type of complaint, nor is it possible to clearly categorise all data protection complaints in this way. We do however record whether or not there has been an infringement or potential infringement. Out of the 103 complaints, an infringement or potential infringement was recorded in 26 cases.

In relation to point 3 of your request, we do not hold any information. We do not use the term 'sanction' to categorise outcomes or actions taken. We have interpreted this as a request for any instances in which formal regulatory action has been taken as a result of a data protection complaint made against West Midlands Police. There are no recorded instances of formal regulatory action or of any action plans that have been produced as a result of these complaints. Where an infringement or potential infringement was found, only informal action was taken. For these 26 cases the outcomes were recorded as follows:

<b>Outcome</b>	<b>Cases</b>
More work for org - contacted to raise awareness of ind complaint	11
DP complaint resolved by org	6
More work for org - failed to respond to ind complaint	6
More work for org - unsatisfactory response to ind complaint	3

Further details about each outcome description can be found [here](#).

In relation to point 4 of your request, we have conducted reasonable searches, focusing on the initial data protection complaint submitted to the ICO in each case. Two data protection complaints mention an allegation that fits the description you have provided.

### **Advice and assistance**

Please note that details about data protection complaints are published in our data sets at <https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/data-protection-complaints/>.

Some historic data is accessible via archived versions of our website, and can be searched by visiting <https://webarchive.nationalarchives.gov.uk/search/>.

We also publish some details about formal regulatory action on our website at <https://ico.org.uk/action-weve-taken/>.

Information that is available on our website, or is due to be published is technically exempt in accordance with Section 21 and 22 respectively. For future reference where information is accessible on our website (or can be calculated from the data we make available in our data sets), it will be withheld if requested under the FOIA. It has been provided here on a discretionary basis only.

Please note that information relating to individual complaints may also be subject to exemptions if requested. This includes details about the nature of the complaint and any outcome details not published in our data sets.

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



Information Access Team  
Strategic Planning and Transformation  
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
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