

15 November 2024

IC-340398-W0Z3

Request

You asked us:

"Please can you share what you have communicated to [data subject for case reference IC-315198-F5D4] regarding this matter - it will inform our own defence against any further harassment"

We received your request on 28 October 2024.

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

Our response

As you may be aware the FOIA provides access to recorded information held by a public authority unless an appropriate exemption applies. Disclosures under the FOIA are considered to be applicant blind, and are therefore made to 'the world at large.'

Correspondence shared with the complainant in this matter is personal data about them. We would therefore need to consider whether the exemption at section 40(2) of the FOIA applies.

When the circumstances of a complaint indicate that a breach of the legislation we oversee may have occurred, we take the view that complainants do not generally expect our correspondence with them to be copied to the organisation which is the subject of their complaint.

Generally speaking we take the view that any disclosure of the original letters or emails in circumstances such as this would be unfair, and would therefore be in contravention of the first data protection principle. This requires personal data to

be processed lawfully, fairly and in a transparent manner in relation to the data subject.

In such circumstances it would be appropriate for us to withhold a copy of the correspondence in question in reliance on the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a). We provide an complained-about body with sufficient information regarding the complaint in the course of our handling of it. It is therefore not necessary to disclose further information, and in doing so contravening the first data protection principle.

If there is any further, specific, information which you require in order to fully respond to the issues raised by this complaint, which as you know is being dealt with under our reference number IC-315198-F5D4 please let the case officer know so that they can provide you with an appropriate response.

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 [here](#).

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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