

06 December 2024

ICO Case Reference IC-343604-H4G1

Request for information

Request received 9 November 2024:

- “1) Can the ICO issue summons to appear in court?
- 2) If yes under which UK Legislation allows this?
- 3) How many summons have the ICO issued in 2024?
- 4) How many warrants have the ICO issued in 2024?
- 5) How many warrants for enforcement action that ICO made in 2024 were successful and ICO won their case?
- 6) Who Authorises the ICO warrants for enforcement action?
- 7) Which seal of office is used by the ICO warrants for enforcement action?
- 8) What role does HMCTS play in the warrants?”

(There was a numbering error in the original request so we have renumbered the above for clarity.)

To the extent possible, your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold some recorded information regarding parts 3, 4 and 5 of this request and are responding to these under the FOIA. We have responded to parts 1, 2, 6, 7 and 8 as enquiries.

“1) Can the ICO issue summons to appear in court?”

Yes.

"2) If yes under which UK Legislation allows this?"

The ICO has the discretion to investigate and prosecute criminal offences under the [Data Protection Act 2018](#) and the [Freedom of Information Act 2000](#).

"3) How many summons have the ICO issued in 2024?"

In this context we have understood 'summons' to be a legal document notifying an individual that court proceedings are starting against them, and they need to attend court. The ICO has issued 8 summons in 2024.

"4) How many warrants have the ICO issued in 2024?"

In this context we have understood this to be a request for the number of search warrants executed by the ICO in 2024. The ICO has executed 9 search warrants in 2024, relating to 3 cases.

"5) How many warrants for enforcement action that ICO made in 2024 were successful and ICO won their case?"

Search warrants are executed as part of investigations. Investigations may proceed to prosecutions or other enforcement action, but not all. We do not hold recorded information regarding this question as no warrants executed in 2024 have yet lead to a successful prosecution or other enforcement action, because the matters are ongoing.

"6) Who Authorises the ICO warrants for enforcement action?"

The ICO Head of Investigations.

"7) Which seal of office is used by the ICO warrants for enforcement action?"

It is unclear what you mean by 'seal of office' so we are currently unable to provide a response to this. It may help to clarify that search warrants are executed by ICO, but are granted by a court.

"8) What role does HMCTS play in the warrants?"

Warrants are listed before a judge in [HM Courts & Tribunals Service \(GOV.UK\)](#) (HMCTS), who then either grants or denies the warrant.

Further information

It may be useful for you to read our [Prosecution policy statement](#) as this explains the process and our approach regarding prosecutions. We also publish our [Regulatory Action Policy](#) on our website, along with our [Communicating our Regulatory and Enforcement Activity Policy](#).

There are a number of other resources readily available regarding our investigations and regulatory action. You can read more about our [Investigations](#) teams, and about some of the civil [Enforcement action](#) we have taken, on the ICO website. We have also published our [Investigations Manual](#) online, and we also publish some information about our criminal investigations and other regulatory activity in our [Annual reports](#).

There is also a section about the investigatory powers of the Commissioner in our internal training on [Data Protection and PECR - Supporting notes and further reading Module 13 : The role and powers of the Commissioner](#) which we have published online.

This concludes our response to your request. I hope that this information is useful to you.

Next steps

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. This complaint will be handled just like a complaint made to the ICO about any other public authority.

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

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 0303 123 1113. Website: ico.org.uk

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