

9 December 2024

IC-344636-D6W6

## Request

On 16 November 2024 you requested "a copy of the DPIA for the ICO's use of Microsoft Co-Pilot AI" and "a copy of the ICO's internal data breach register for 2023 to-date."

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

## Response

We hold information that falls within scope of your request and a copy of each item requested is attached.

Please note that the DPIA (disclosure 1) is a draft only, created for the purposes of trialing Co-Pilot. This document may therefore be subject to further amendments.

Some of the information refers to details about our internal systems and security. This has been redacted 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."

Disclosure of detailed information about our internal systems and security would likely prejudice our ability to perform our regulatory functions, and would leave us vulnerable to cyber-attacks.

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 about our internal systems and security

The public interest factors in maintaining the exemption are as follows:

- There is a strong public interest in the ICO maintaining the security and integrity of the information it holds.
- The risk that, if disclosed, such information could be used by malicious actors seeking criminal access to our information and systems.
- The risk this would pose to the effectiveness and efficiency of our regulatory functions.

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.

In relation to disclosure 2, this file shows an extract of our security event logs, which shows all data breaches logged and assessed since the 01 January 2023. A data breach may be defined as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored, or otherwise processed.

Staff at the ICO are encouraged to report all actual or suspected data breaches, no matter how seemingly minor, immediately and within 24 hours of discovery to help minimise potential harm. The log shows that the vast majority of data breaches are assessed as 'low impact' indicating little or no risk to any subjects affected. There are no high-risk data breaches for the period in question.

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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