

19 December 2024

Ref: IC-346041-S9D9

Request

You asked us:

I am writing to request some information under the Freedom of Information Act.

"The ICO's *Outcomes report: The ICO's review of the processing of personal data for the purposes of journalism under the Data Protection Act 2018* (<https://ico.org.uk/media/about-the-ico/documents/4029002/journalism-outcomes-report.pdf>) refers to a first survey released in July 2022 targeted at those involved in journalism and a second survey released in November 2022 targeted at those interested in data protection and journalism more broadly. The Report refers to these surveys and responses from them several times but does not provide a copy of the survey themselves, what potential survey respondents were told about the survey or the survey responses themselves. I do not seek the names or contact details of any natural person who responded to either of these surveys but, subject to that caveat, am writing to request the following:

- A copy of the first survey together with any information provided to potential survey respondents about the survey including how they should approach providing answers and (if stated) how much time this was expected to take,
- A copy of each of the responses to survey one (with the names and contact details of any natural persons respondents redacted). The report states that there were just 8 responses.
- A copy of the second survey together with any information provided to potential survey respondents about the survey including how they should approach providing answers and (if stated) how much time this was expected to take,

- A copy of each of the responses to survey one (with the names and contact details of any natural persons respondents redacted). The report states that there were just 3 responses."

We received your request on 24 November.

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

Our response

We do hold information within the scope of your request.

The information given to participants prior to completing the questionnaire is available on the landing pages for each of the two questionnaires, which can be found at the below links:

[ICO statutory review on how personal data is processed for the purposes of journalism | ICO](#)

[ICO statutory review on how personal data is processed for the purposes of journalism – phase two | ICO](#)

I attach copies of two csv files containing the survey questions and answers from the respondents.

Also attached is one response that we received to the first survey in the format of a document submitted to us rather than through the online form.

In order not to identify individuals, the following questions and their answers have been redacted by taking out the relevant columns in the csv files:

Survey 1:

Name, Email address, Please provide web link to privacy statement

Survey 2:

Question 1: "What is your role and interest in the use of personal data and privacy for matters as it relates to journalism and the UK media."

Question 2: "Please provide your email address. Please note your email address will be used to validate the response is applicable. We will also use it to respond to any questions you may have or raise when completing this survey. Please also see the ICO's privacy notice."

We have also partially redacted one answer in each of the csv files where information was provided that would identify the individual respondent. The relevant text has been removed and [redacted text] added to indicate where this has been the case.

This information which identifies individuals has been redacted as it is the personal data of third parties which we cannot lawfully disclose under the FOIA and is exempt pursuant to s.40(1) and s.40(2) FOIA.

One response in the csv file for the first survey and the separate response we have disclosed in pdf format identify organisations who also asked to remain anonymous.

In order not to identify the organisations concerned we removed the following columns from the first csv file:

"Which organisation [are you completing the survey on behalf of]?"

"Please provide a web link to your [organisation's] privacy statement"

We have also redacted the PDF file in order not to disclose the name of the organisation which submitted the response to us.

The information identifying organisations is exempt from disclosure under s.44 FOIA because we are legally prohibited from disclosing it under s.132 DPA 2018.

FOI section 44 (& DPA s132)

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

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. 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.

This concludes our response.

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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**For information about what we do with personal data
see our [privacy notice](#)**