

2 January 2024

Ref: IC-347565-H6R1

Request

You asked us for:

- copies of any policies, procedures or staff training materials which provide grounds for a data controller, including the ICO, to refuse to provide information requested under a SAR to a data subject; and
- copies of any policies, procedures or staff training materials which provide grounds for the ICO to share personal data relating to a complainant with the organisation complained about.

We received your request on 1 December.

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.

You state that you have made subject access requests to the ICO and to a Police force for copies of your personal data and that they have refused to provide you with that information.

We will not discuss the specifics of any subject access requests you have made to us or complained to us about as part of an FOI response. However, we have provided any relevant policies and guidance that we hold and some general advice about why information may not be disclosed as part of a SAR here.

The right of subject access is not absolute, and a data controller can refuse to disclose some or all of the information requested in certain circumstances and these are provided for in data protection law. This may be because the

information is exempt from disclosure, most commonly because it includes the personal data of another person, you can find guidance about this on the ICO website [here](#).

There are also specific exemptions relating to information that the ICO holds about third parties and that we have received while conducting our work as a regulator, for example handling a complaint. We refer you to [s.132 DPA 2018](#) which prohibits us from disclosing such information, including in response to a SAR, without lawful authority, and [schedule 2, part 2, para 11 DPA 2018](#) which provides that the right of subject access does not apply to personal data processed by the ICO for the purposes of its regulatory functions (this includes handling complaints).

Where you have made a subject access request to a police force, this is processed under a separate statutory regime (Part 3 DPA 2018) and you can find information about this [here](#). Again, this is not absolute, and exemptions apply.

Grounds for refusing to comply with a SAR or for withholding information are not set down in any policy but simply in the application of the law. ICO staff are trained to apply data protection law in a series of training modules available as videos on our website [here](#).

We would also refer you to our Information Access manual which is used as a guide for staff in the Information Access team when handling SARs and other information requests. This references procedures for withholding information and refusing requests and is available on our website [here](#).

The relevant data controller should have explained to you their reasons for refusing to provide the requested information with reference to the relevant law when they responded to your SAR. If they did not do so we would suggest that you lodge a data protection complaint with the ICO as regulator, if you have not done so already.

You state that the ICO has shared your information with organisations that you have complained to us about.

The relevant section of our [privacy policy](#) explains what we do with your personal data when you make a complaint, including that we will usually disclose it to the organisation that you have complained about. This is because we need to do so to be able to effectively investigate your complaint. Legal provisions referred to above, which prevent us from disclosing complaints information in some

circumstances, allow us to disclose it where we need to do so to perform our functions as a regulator.

Complainants are directed to this section of our privacy policy when they raise a complaint with us and given the opportunity to object to us doing so, though we explain that this may prevent us from being able to progress the complaint.

The information that we have directed you to here is available to the public online and as such is technically exempt under s.21 FOIA.

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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Please consider the environment before printing this email
For information about what we do with personal data see our [privacy notice](#)

