

Data protection case outcomes

Current outcomes post April 2014

Descriptions of outcomes DC outside UK – Used when the data controller (DC) is outside the UK so the matter falls outside our jurisdiction. Concerns closed with this outcome will be considered for possible referral to other data protection authorities overseas using our international case-handling procedure.

Not DPA – Used when it is clear from the information provided that the concern does not fall within the scope of the Data Protection Act (DPA), or it is not sufficiently clear whether the concern falls within the scope of the Data Protection Act. For example, where we cannot identify what, if any, personal information has been processed.

Concern to be raised with DC – Used when a customer has raised a concern with us and we believe they should first have raised it with the data controller. Used in cases where the customer says they have raised the matter with the organisation responsible, but we need them to provide evidence (or more evidence) that they have done so, before we will deal with the matter.

Response needed from DC – Used when a customer has raised their concern with a data controller but a response has not been provided AND we believe the customer should either wait to receive it or do more to follow up their earlier contact with the data controller. If a data controller has not responded but we don't believe it is reasonable for the customer to have to follow it up (because their concern seems to be being ignored), we would deal with the case under a different outcome. We are likely to offer advice to the data controller or expect them to take steps to improve their practices.

No action for DC – Used when concerns raised by the customer do fall under the Data Protection Act because they are about the processing of personal information, but they are not valid because the data controller does not appear to have breached the legislation based on the information provided. We would not need to contact the data controller but would provide advice to the data subject.

General advice given to DC/org – Used when the ICO wishes to contact a data controller to offer advice about general information rights practice if their actions do not appear to have breached the legislation but a service improvement may have avoided the concern being raised with the ICO.

Compliance advice given to DC/org – Used when no action is required of the data controller but we do want to make them aware we have received a concern about them and are keeping it on file. This could be used where a data controller put things right after a data subject raised a concern with them and the issue was minor, like correcting a single inaccuracy when prompted.

DC action required – Used when we identify an opportunity for the data controller to take a one-off action to tackle a shortfall in their information rights practice where the action doesn't come within any other outcome category – such action may be, for example, providing a response to a customer's subject access request or engaging with a customer to address their information rights concern.

Improvement action plan agreed – Used when we identify an opportunity to improve future practices and we either ask a data controller to produce a plan to do this or we recommend that it should take particular steps to make improvements. Rather than one-off actions in individual cases, this outcome is used wherever we recommend ways to improve future practices on a broader level, such as reviewing processes or procedures to prevent concerns arising in future.

Monitored: sufficient improvement – Used when we are satisfied that, after a period of monitoring, an organisation's practices have improved enough not to need further action.

Undertaking served – Used when the ICO identifies specific actions for a data controller to agree to improve future information rights practice.

Advisory visit recommended – Used when we believe an organisation needs to improve practices, the most appropriate way to do this is to have an advisory visit, and Good Practice has agreed to approach them.

Compliance audit recommended – Used when we believe an organisation needs to improve practices, the most appropriate way of doing this is to have a compliance audit, and Good Practice has agreed to approach them.

Preliminary enforcement notice served – Used when a preliminary enforcement notice has been served.

Enforcement notice served – Used when an enforcement notice has been served.

CMP notice of intent served – Used when the ICO has issued a formal notice of intent to pursue a civil monetary penalty.

CMP final notice served – Used when the ICO has issued a civil monetary penalty.

Insufficient information provided – Used when the customer has not given us sufficient (or sufficiently clear) information to enable us to progress their case. This includes cases where the customer has not yet raised the matter with an organisation.

Data protection outcomes for cases pre-April 2014

Closed – compliance unlikely, voluntary compliance achieved- This is used where the ICO has determined that compliance with the Data Protection Act is unlikely to have been achieved and where the data controller has taken action to put things right (either of their own volition or following advice from ICO).

Closed – compliance unlikely, remedial action taken – This is used where the ICO's view is that compliance with the Data Protection Act is unlikely to have been achieved and where the data controller has taken action to put things right
Closed – compliance unlikely, no remedial action taken- Used where we have investigated the matter, determined that compliance with the Data Protection Act is unlikely to have been achieved and where the data controller has not taken action to put things right.

Closed – advice given – This is used where a customer has not made a direct complaint, but has asked how to complain or whether a particular scenario would benefit from the ICO conducting an assessment.

Closed – insufficient information provided – This is used where the complainant has not provided enough information for the ICO to consider their complaint.

Closed – assessment criteria not met – Used where the complaint did not meet the assessment criteria set out in Section 42 of the Data Protection Act.

Closed – compliance likely – This is used where the ICO's view is that the data controller has complied with the Data Protection Act.

Closed - No enforcement notice served – To be used when a case is finished without serving an enforcement notice.