

24 January 2025

Case Reference IC-348303-Q2H8

Request

You asked us for information about personal data breaches (PDB) involving Staffordshire Police and the Crown Prosecution Service (CPS).

We received your request on 4 December 2024.

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

We provided an initial response to your request on 7 January 2025, and we told you we required more time to decide whether some of the exempt information should be disclosed or not.

Please find the details of our decisions about this further below.

The parts of your request which we are answering in this letter are below. Our responses are listed underneath each question.

Our response

"Under the Freedom of Information Act 2000, I kindly request the following information regarding data breaches reported to, or investigated by, the Information Commissioner's Office (ICO):

1. Referrals by Staffordshire Police

- *How many data breaches have been reported to the ICO by Staffordshire Police in the last 36 months?*
- *Of these, how many related to:*
 - a. Investigations of sexual offences?*
 - b. Investigations of all other offences?*

Response

As of the date of your request, there have been three PDB reports from Staffordshire Police in the last 36 months.

Nature of PDB referrals received

We have decided that the public interest is in favour of disclosing this information.

Our response is as follows:

- a. 1
- b. 0

2. Referrals by the Crown Prosecution Service (CPS)

- *How many data breaches have been reported to the ICO by the CPS in the last 36 months?*

- *Of these, how many involved:*

- a. Unredacted or improperly redacted sensitive material?*

- b. Investigations of sexual offences?*

- c. Investigations of all other offences?*

Response

As of the date of your request, there have been three PDB reports from the CPS in the last 36 months.

Nature of PDB referrals received

We have decided that the public interest is in favour of disclosing this information.

Our response is as follows:

- a. 0

- b. 0

- c. 1

Public interest test (for both question 1 and 2)

We consider that there is a public interest in being transparent, to a limited extent, about the type of incidents or the nature of activities by organisations which lead to or are connected to PDB incidents, particularly with data controllers who are higher profile and may be more likely to process sensitive personal data connected to criminal matters. This is on the condition that the level of transparency doesn't carry significant risk.

We also consider there is a public interest in avoiding any disclosure of details which refer back to PDB reports, to the extent that it avoids prejudicing the ICO's functions and allows a safe communication channel between organisations and the ICO.

The rationale for this is that if we maintain trust between the ICO and other organisations, then we will put ourselves in the best possible regulatory position.

On balance, we consider that the basic level of detail requested in this part does not carry a significant risk which would justify withholding it, so we consider it is appropriate to disclose the information.

4. Investigations by the ICO

- *How many investigations into data breaches have been conducted by the ICO in the last 36 months involving:*

- a. Staffordshire Police?*

- b. The CPS?*

- *What were the findings and outcomes of these investigations?*

Response

Case findings - Information withheld

We confirmed that we do hold information within the case closure letters for the relevant investigations which fall in scope of this part of the request.

The information in the closure letters can be considered to be our "findings" in each case.

We said this information is exempt pursuant to section 31 of the FOIA.

The exemption at section 31(1)(g) refers to circumstances where 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) which state:

"(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 ..."

Public interest test

With this in mind, we have then considered the public interest test for and against disclosure.

In this case the public interest factors in disclosing the information are:

- increased transparency about the specific aspects of data protection which were focused on for each investigation
- increased transparency about any areas of concern regarding the practices or systems used by a data controller under investigation
- increased assurance about details relating to a data controller which is particularly likely to be entrusted with handling sensitive personal data, and which has a significant role in the UK's criminal justice system
- increased assurance that the ICO has carried out thorough and proper investigations, and that it has communicated its findings in an effective manner

The factors in withholding the information are:

- the public interest in maintaining organisations' trust and confidence that the ICO will maintain an appropriate level of confidentiality, particularly with communications regarding investigative matters which are likely to require the exchange of details relating to security measures, practices and incidents;
- the public interest in organisations being open and honest in their correspondence with the ICO without fear that their comments will be made public prematurely or, as appropriate, at all; and

- the public interest in maintaining the ICO's ability to conduct investigations as it thinks fit

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

For this part, we consider that there is a stronger public interest in favour of withholding the information, so we won't be disclosing our findings for the relevant investigation cases.

Although there is likely to be a reasonable public interest argument in favour of having access to the requested details, we would consider that the nature of the information requested is something which serves as an effective enough factor to justify withholding it.

We do publish our enforcement action, and to an appropriate extent, we publish relevant details to serve our regulatory purposes.

If we create an expectation that we will publish the more granular details of investigations upon request, we are likely to cause the prejudice we outlined in our previous response, and we are likely to undermine the factors we've outlined above in our public interest test.

Given the importance of our investigative functions in the data protection environment, we don't consider there is enough of an overriding factor in this case to justify putting these matters at risk by disclosing the requested information.

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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