

4 April 2025

IC-371985-L8D1

Request

"I came across the recent ICO announcement regarding action being taken to tackle cookie compliance across the UK's top 1000 websites. [...] However, I couldn't find a list of the 1000 websites mentioned, or any details on how the 'top 1000' were determined. Would it be possible to provide more information on this?"

We received your request on 21 March 2025.

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

Our response

We hold information in scope of your request.

As mentioned in your request, we recently announced our plan to take [action to tackle cookie compliance](#) across 1,000 websites.

Information about our [online tracking strategy](#) is published on our website.

Further information we hold about this work, including the identity of the websites and how we chose them, is withheld under section 31 of the FOIA.

This is an exemption relating to information which, if disclosed, would or would be likely to cause prejudice to our ability to regulate the laws we oversee.

Specifically, the exemption at section 31(1)(g) of the FOIA 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 ...”

The purposes at Section 31(2)(a) and (c) apply when a regulator is determining whether or not there has been a breach of relevant legislation, and whether any further action is appropriate.

The information you have requested relates to ongoing work we are conducting into cookie compliance. To release the requested information at the present time would be likely to prejudice the ICO's ability to conduct this work fairly and in an appropriate manner.

The exemption at section 31 is not absolute, and we need to consider the public interest test by weighing up the factors for and against disclosure of the information we hold at this time, as well as any prejudice or harm which may be caused by disclosure.

In this instance, the public interest factors in favour of disclosure are:

- Transparency about our regulatory work into the data protection compliance of organisations.
- The understandable interest of the public in being able to see the organisations who have been identified in our work on cookie compliance and our progress in improving cookie compliance.

The public interest factors in favour of maintaining the exemption are:

- The need for the ICO to continue to encourage the organisations - and other data controllers in potential future enquiries - to engage with us.
- To ensure the confidentiality of the enquiries being undertaken.
- Disclosure of the names while our work are ongoing would be likely to undermine the effectiveness of this process.
- The ICO has a demonstrable history of sharing information about our work when it is appropriate to do so, in line with our '[Communicating our regulatory and enforcement activity policy](#)'.

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, and the information you have asked for is exempt from disclosure under S31(1)(g) of the FOIA.

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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