

24 March 2025

Reference number: IC-349963-M9F0

Request

You asked us for: *"1. Decision-Making Criteria: Copies of any internal guidelines, policies, or protocols that detail how the ICO assesses complaints related to the application of financial soundness checks in recruitment processes related to potential Data Protection Act 2018 breaches that occurred in complex cases involving multiple entities, such as recruitment agencies, financial institutions and regulatory bodies.*

2. Assessment Documentation: Any records, notes, or correspondence that document the evaluation process of my case, including any criteria or standards used in determining the outcome and their compliance with data protection laws.

3. Case Review Process: Information on the procedures followed by the ICO when deciding to close cases without pursuing regulatory action, including any documentation regarding the reasoning behind such decisions.

4. Training and Guidance Materials: Any training or guidance materials provided to ICO staff regarding the handling of complaints related to data protection, human rights, discrimination and financial soundness checks in recruitment practices or similar scenarios.

5. Guidelines on Financial Soundness Checks: Documents outlining the ICO's understanding or guidance notes regarding the ICO's stance on financial soundness checks should be conducted by public or private organizations, especially in relation to the processing of personal data for non-Senior Management Function (SMF) roles.

6. Statistical Data: Statistic on complaints received, number of investigations opened, concluded regarding such complaints, along with outcomes (e.g., any penalties or remedial actions) and outcomes related to financial soundness checks within recruitment processes over the past ten years.

7. Communication with Records: Any correspondence between the ICO, the Financial Conduct Authority (FCA) and Financial Ombudsman Services Limited [FOS] on data protection concerns linked to recruitment checks in the financial services sector.

8. Case Precedents: Documents detailing the criteria or case precedents the ICO uses to determine when to pursue or not pursue regulatory action in cases involving potential data protection breaches."

We received your request on 4 November 2024.

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

Our response

We are refusing the Freedom of Information request you have made because the amount of work involved in complying with it would place a grossly oppressive burden on our resources, meaning that we are able to rely on section 14(1) of the FOIA.

Section 14(1) FOIA states that:

"14.—(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."

The ICO's [guidance](#) explains that:

"A single request taken in isolation... may be vexatious solely on the grounds of burden. That is, where complying with the request would place a grossly oppressive burden on your resources which outweighs any value or serious purpose the request may have."

While we do not doubt that you have a genuine interest in the information you have requested, we have determined that the burden placed on our resources in complying with this request would outweigh the public interest in the requested information.

Our guidance states that the threshold for applying section 14 of the FOIA on the basis of burden is a higher one than for section 12 of the FOIA, which allows a

public authority to refuse to comply with a request if the necessary searches involved in doing so would take longer than 18 hours. We are relying on section 14 here because the burden is related to the time required for reviewing and redacting the relevant information, rather than searching for information that may be in scope.

Our guidance further provides that, in order to refuse to respond to a request under section 14(1) due to burden alone, we should be able to establish that the requested information is voluminous, that we have real concerns about exempt information being contained within it, and that the exempt material is scattered throughout and cannot be easily isolated. We have provided further explanation of our consideration of this below.

In relation to request 4, we have completed the searches necessary and can confirm that we hold 60 slides of information, 146 pages of Word documents and several spreadsheets which total 9 sheets.

We are aware that there is information which would be exempt from disclosure as there are answers to quiz questions which should not be placed in the public domain. This is because it would allow new staff members, completing the training, to 'game' the quizzes, rather than develop their knowledge through the training. Should this information be made public, it would likely have a negative impact on the ICO, and its regulatory functions, as staff may not be competent as they should be.

We are also aware that there is other information held which would be exempt from disclosure under section 40(2) of the FOIA. However, in order to know the totality of exempt information, we will have to review each page of this information to determine what is held. It should also be noted that, given the layout of the information, it is highly unlikely that the exempt information will be in one location.

We estimate that to read through the information on these pages, it would take 3 minutes per page. This totals 10.75 hours' worth of work and does not take into account the time needed to complete redactions, which would only add to the time taken to work this request.

For requests 1, 2, 3, 5 and 8, we can confirm that we have undertaken work into these requests, have collated some information in scope and begun to draft a response. Due to the amount of information requested, the time taken to complete this work has totalled approximately 10 hours.

In relation request 6, this request would involve the ICO having to search through every case we hold. As such, this would invoke a section 12 response, which we estimate would take 1 hour complete.

In relation to request 7, the ICO would have to create a report to identify all the cases we hold for the FOS and the FCA. We estimate that this would take approximately 30 minutes and the running of this report would be necessary to confirm exactly what information may be held.

However, from reviewing our case management system, we can see that a large number of cases are held for these two organisations, approximately 200. This would mean that it is highly likely that the ICO would have to create another section 12 response. As such, we estimate that it would take 1.5 hours to complete this request.

It should also be noted that we are satisfied that the information being requested in requests 6 and 7 are sufficiently different so they cannot be considered together as part of the same overarching theme.

When considering all your requests together, we estimate that the total time for us complete your requests will be 23.25 hours. This clearly exceeds the 18 hours cost limit described in section 12 of the FOIA.

Many of your requests focus on financial soundness checks and request very specific information about this subject. As mentioned above, the ICO has begun to draft to certain aspects of this request and can advise that our responses were advising that either the information was already in the public domain or were advising that the information was not held.

As also mentioned above, requests 6 and 7 would likely exceed the section 12 cost limit which would not result in information being disclosed into the public domain.

As such, it does not appear that the ICO completing this request would be in the public interest as, beyond request 4, there would be little to no new information placed into the public domain.

We therefore advise that we are refusing to comply with this request under section 14(1) of the FOIA.

Advice and Assistance

Having searched the term 'financial soundness checks' online, this would be appear to be something that the FCA has oversight for so you may find it beneficial to request information from them about this.

As mentioned above, work has been undertaken into requests 1, 2, 3, 5 and 8. Should we receive new requests for this information only, it is highly probable that a response will be issued as these requests on their own would not be considered vexatious.

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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