

16 February 2024

## **ICO Case Reference IC-287101-R0M3**

### **Request for information**

Request received 7 February 2024:

*"Could you please tell me how many law firms reported personal data breaches to the ICO in 2023, as compared to data from the previous year (2022)."*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

### **Our response**

We do hold the requested information. You can access some of the information you have requested in our [Complaints and concerns datasets](#), specifically the [Personal data breach cases datasets](#). These datasets can be filtered by sector and sub-sector. The published datasets range from quarter 4 of 2020/2021 to quarter 2 of 2023/2024 inclusive. The information requested for quarter 3 of 2023/2024 onwards will be published in future.

### **Section 21 FOIA**

As some of the information requested is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA. Section 21 states that we do not need to provide you with a copy of information when you already have access to it. However, we have provided the links above for your convenience.

### **Section 22 FOIA**

As the rest of the information requested is intended for future publication, it is also being withheld. Information is exempt from disclosure under section 22 of the FOIA if it is to be published at a future date. This is not an absolute

exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

- Openness about organisations that make PDB reports to ICO regarding their compliance with data protection legislation.
- Openness regarding the action we take in response to PDB reports.
- The understandable interest of the public, and people affected by specific incidents, in the details of data breaches.

The factors in favour of withholding the information are:

- The ICO has a history of pro-actively and regularly publishing this information, and has a commitment to publishing further datasets which will include the requested information.
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests would be an inefficient use of resources.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair, thus discouraging further engagement with organisations involved.

Having considered these factors, we are satisfied that it is appropriate to withhold this information intended for future publication.

This concludes our response to your request.

### **Next steps**

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

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 [raise a complaint](#) 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.

## **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

Information Access Team

Strategic Planning and Transformation

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