

23 May 2025

**Case reference: IC-385403-F1J9**

We are now in a position to respond to your information request of 12 May.

**Request**

"We write to request a copy of the investigation, outcome, and action in which you may have taken against Santander UK in relation to a data breach which was disclosed on the 14/05/2024."

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

**Our response**

We understand your request relates to a self reported personal data breach from Santander UK in May 2024. This case was looked at under ICO reference IC-306612-K1M6 and was closed on 10 June 2024 with an outcome of 'Informal action taken', detail 2 'Breach recorded – regulatory action criteria not met', detail 3 'Advice given'.

The case appears on the our published [dataset](#) of completed casework for March to June 2024. If we decide to take formal regulatory action against an organisation it will be published on our [website](#).

Please find enclosed the information within scope of your request to which you are entitled. This is the outcome letter of 10 June 2024 sent to Santander UK.

The name and contact details of staff at Santander UK have been redacted under section 40(2) by virtue of section 40(3)(a)(i), which is the exemption under FOIA concerning personal information.

Section 40(2) of the FOIA allows a public authority to withhold information from a response to a request when the information requested is personal data relating to someone other than the requestor, and its disclosure would contravene one of the data protection principles.

We are withholding the remaining information held on case IC-306612-K1M6 under sections 31(1)(g) and 44 of the FOIA. Further detail on these exemptions are provided below.

## **Section 31(1)(g) FOIA**

Section 31(1)(g) of the FOIA states:

'Information... is exempt information if its disclosure under this Act would, or would be likely to, prejudice – (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2).'

The purposes referred to in sections 31(2)(a) and (c) are:

- a. the purpose of ascertaining whether any person has failed to comply with the law,
- 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 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, as well as any prejudice or harm which may be caused by disclosure.

To release the requested information would be likely to prejudice the ICO's ability to conduct its investigations into potential data breaches reported to us fairly and in an appropriate manner. This is because the ICO relies on the cooperation of data controllers to perform its functions as regulator of data protection legislation.

In considering the prejudice and/or harm that disclosure may cause, we have taken into account the factors that would, in our view, impact on the release of the information at this time. We have considered the public interest test for and against disclosure.

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

- Openness and transparency in the way in which data breaches are reported to the ICO and how the ICO deals with those cases during an investigation.
- The understandable interest of the public, and any affected data subjects, in being able to see and understand the precise nature of the incident.

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

- The need for the ICO to continue to encourage Santander UK, and other data controllers, to report data security incidents to the ICO for investigation.
- To allow the ICO to maintain the trust and confidence of data controllers by affording information provided an appropriate level of confidentiality. Disclosure of information provided in confidence, or considered to be confidential, would be likely to have a long term detrimental effect on the self-reporting of incidents to the ICO and our ability to investigate those incidents.
- Allowing us a 'safe space' in which to consider the information provided free from external influence, and ensure the confidentiality of the enquiries undertaken and analysis of the incident in question.
- The ICO has a demonstrable history of sharing information about our regulatory and enforcement activities 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.

## **Section 44 FOIA**

We are withholding the information provided to us on case IC-306612-K1M6 under section 44 of the FOIA. This is an absolute exemption which means that it can be withheld without further consideration if other legislation prevents its release, if it meets certain conditions, and if none of the circumstances that would give us lawful authority to release it apply.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it – a. is prohibited by or under any enactment.'

In this case, the Data Protection Act 2018, part 5, section 132 prohibits the disclosure of confidential information that –

- a. has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,
- b. relates to an identified or identifiable individual or business, and,

c. is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources, unless the disclosure is made with lawful authority.

We do not have lawful authority to disclose to you the information relating to the data security incident reported by Santander UK as this information was provided to us in confidence.

Section 132(3) imposes a criminal liability on the Commissioner and his staff not to disclose information relating to an identifiable individual or business for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so or it has been made public from another source.

This concludes our response to your request. We hope you found this information helpful.

## **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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**For information about what we do with personal data see our [privacy notice](#)**