

14 February 2025

**ICO case reference – IC-360992-F5Q8**

**Request**

In relation to a cyber incident reported South Staffordshire Plc to ICO in August 2022 you asked us:

*"Over 6 months have now passed since your response of 28th June 2024 in which you confirmed that the ICO's investigation into the matter was ongoing.*

*I would be grateful if you could now confirm the following:*

- 1) Have the ICO now completed their investigation into the (South Staffordshire plc) data breach?*
- 2) If so, what were the findings of the investigation? Did the ICO take regulatory action against Cambridge Water and/or South Staffordshire plc?*
- 3) How were the hackers able to access South Staffordshire plc's IT systems in order to steal the data?*
- 4) If the ICO's investigations are not finished, please could you indicate how long your investigations are now likely to take to complete?*

*While I understand you may not have an exact timeframe for this, are you able to indicate whether you anticipate that it is likely to take weeks, months or even years to complete?"*

We have handled your request under the provisions of the Freedom of Information Act 2000 (the FOIA). This legislation entitles a requester to recorded information held by a public authority, unless an appropriate exemption applies.

**Our response**

I have consulted with the relevant departments within ICO and can confirm that the investigation into this matter is still ongoing and has not yet been completed so there is no information held about the outcome or findings of the investigation.

With point 3 of your request as our investigations are still ongoing, any information in relation to this incident are exempt from disclosure under Section 31 of FOIA.

We have explained this in more detail below.

### **FOIA section 31**

Some of the information you have requested is exempt from disclosure under section 31(1)(g) of the FOIA. We can rely on section 31(1)(g) of the FOIA where disclosure:

*"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..."*

*(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."*

Section 31 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

Our investigation into South Staffordshire Water plc is still ongoing. To release the information you have requested at this stage could prejudice the ICO's ability to conduct the investigation in an appropriate manner. Disclosure at this stage would discourage ongoing discussions between the ICO and South Staffordshire Water plc and may damage our ability to conduct and conclude the investigation fairly and proportionately.

Disclosure could also jeopardise the ICO's ability to obtain information relating to this case or others in the future. Disclosure is also likely to result in other parties being reluctant to engage with the ICO in the future.

Any information released at this stage could be misinterpreted, which in turn could distract from the investigation process.

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 in the way in which South Staffordshire Water plc has responded to the ICO's enquiries; and
- increased transparency in the way in which the ICO conducts its investigations.

The factors in withholding the information are:

- the public interest in maintaining organisations trust and confidence that their replies to the ICO's enquiries will be afforded an appropriate level of confidentiality;
- 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 the investigation into complaints as it thinks fit.

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

With regards to part 4 of your request we are unable to provide you any information because we do not have any timeframe of when we expect our investigations into this matter to be completed. If we do take any action against organisations, we publish this on our website [Action we've taken | ICO](#).

## **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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