

1 May 2025

Reference number: IC-368559-D4M7

Request

On 8 March 2025, you asked us: *"I write to you pursuant to the Freedom of Information Act [FOIA] 2000 to formally request disclosure of all the information held by the Information Commissioner's Office (ICO) in relation to St Andrew's Healthcare, Northampton*

This request specifically seeks access to all the information including communications, documents, warnings, advices, etc in accordance with the FOIA, including but not limited to:

- 1. All the information on Data Protection Breaches – DSAR [Data Subject Access Request], FOIA and any other protected data under the law DPA 2018 and UK GDPR*
- 2. All the information on Complaints Against St Andrew's Healthcare - DSAR, FOIA and any other protected data under the law DPA 2018 and UK GDPR*
- 3. All the information on Investigations and Regulatory Actions - DSAR, FOIA and any other protected data under the law DPA 2018 and UK GDPR*
- 4. Communications Between ICO and St Andrew's Healthcare - DSAR, FOIA and any other protected data under the law DPA 2018 and UK GDPR*
- 5. All the information on Prosecutions, Tribunal Cases, civil court cases, county court cases, etc - DSAR, FOIA and any other protected data under the law DPA 2018 and UK GDPR*
- 6. All the information on FOIA requests and DSAR requests. - DSAR, FOIA and any other protected data under the law DPA 2018 and UK GDPR"*

For the purposes of clarity, St Andrew's Healthcare may now also be referred to as the data controller.

On 26 March 2025, the ICO contacted you for clarification around your request as it was unclear why this statement *"DSAR, FOIA and any other protected data under the law DPA 2018 and UK GDPR"* was included with each sentence.

You replied to our request for clarification on 2 April 2024 and advised that these statements could be ignored. As such we now understand your request to be for following:

"This request specifically seeks access to all the information including communications, documents, warnings, advices, etc in accordance with the FOIA, including but not limited to:

- 1. All the information on Data Protection Breaches*
- 2. All the information on Complaints Against St Andrew's Healthcare*
- 3. All the information on Investigations and Regulatory Actions*
- 4. Communications Between ICO and St Andrew's Healthcare*
- 5. All the information on Prosecutions, Tribunal Cases, civil court cases, county court cases, etc*
- 6. All the information on FOIA requests and DSAR requests."*

We received your request on 2 April 2025 as this was the date that we received your clarification.

We have also noted the "included but not limited to" in your request. It should be noted that requests have to be taken literally and if you wish for us to consider other information we may hold, you will need to specify this to us. Due to this, we have searched for information as it described above.

For the purpose of clarity, we can advise that we have considered all information held for each area of your requests. For example, for request 1 we have

considered all information held on the data protection breach cases we hold for the data controller.

We recognise that your request has specifically mentioned Northampton as well as the data controller as a whole. From online searches completed, we are also aware that they have other locations.

For the purposes of our response, we have focused our searches on the data controller as a whole and we will specify which information is about a specific location in our reply.

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

Our response

Having searched our records, we can confirm that we hold some information in the scope of your requests. These will now be discussed in more detail below.

1. We can confirm that we hold one personal data breach case from this data controller and this was reported by the Northampton location. The case reference for this is IC-241467-X8H9.

As the information we hold on this case has been provided by, or created as a result of the information provided to us, it is withheld under section 44 of the FOIA.

Section 44(1)(a) 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"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(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."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result, the information is exempt from disclosure.

A summary of the case can be found on our [website](#) in our April-June 2024 dataset.

2. We can confirm that we hold three data protection complaints about this data controller's Northampton location. We also hold one complaint about their Essex branch.

The information on the complaint cases has been provided to us so we can complete our regulatory functions. As well as this, some information held on these cases is only held because it was created as a result of the information provided to us.

Also, the information held on complaint cases will be specific to that individual and their situation, making it their personal data as it will relate to them. Due to this, the information held on these cases is withheld under section 40(2) and section 44 of the FOIA.

Disclosing this information into the public domain would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned, so we are withholding the information under section 40(2) of the FOIA.

It should also be noted that disclosure of this information into the public domain would go greatly against the expectations of the individuals that contact us to keep their data safe and treat it with confidentiality.

We can advise that that the ICO publishes summaries of closed cases that we handle via the [datasets](#) on our website.

3. We can confirm that we hold an investigation into St Andrew's Healthcare. However, the details around this have been deleted, in accordance with our retention policy, and only a summary is now held. As such, we cannot confirm which location this investigation was about.

The details within this summary contain information which would have been provided to us by the data controller so it is withheld in accordance with section 44 of the FOIA, however, we can advise that it was closed as 'No Further Action'.

Any regulatory actions we have taken can be viewed on our [website](#), though, from the searches completed, we have not taken any regulatory action against St Andrew's Healthcare.

4. We have conducted reasonable searches of our SharePoint system and can confirm that there are no other communications with the data controller held.

We can confirm that there have been communications with the data controller, which would be held as part of the information in the scope of requests 1 and 2. We have already considered disclosure of this information as part of those requests.

5. We can confirm that we do not hold any information in the scope of this part of your request as the ICO has not completed a prosecution or tribunal case for St Andrew's Healthcare.

It should be noted that the ICO will not hold civil or county court cases against St Andrew's Healthcare as we are not the data controller for such records. If you wish to obtain this information, you may find it beneficial to submit this request directly to the data controller, which we would understand to be His Majesty's Court and Tribunal Services.

We have also noted the "etc" in your request. It should be noted that requests have to be taken literally and if you wish for us to consider any other legal cases, you will need to specify these to us.

6. We have understood this to be a request for the FOIA and DSAR requests that St Andrew's Healthcare has received.

We do not hold information in the scope of this part of your request as the ICO is not party to information held by another data controller.

If you wish to obtain this information, you may find it beneficial to submit this request directly to them.

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



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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