

20 August 2025

IC-407519-B8X0

Request

In response to IC-397366-J0B2, you have requested the following:

1. *"You indicated that some correspondence has been withheld under Section 44 of the FOIA due to confidentiality obligations in Section 132 of the DPA 2018. I request further detail on:*
 - a) *The volume and dates of the withheld material;*
 - b) *The general nature of the correspondence withheld (e.g. external inquiries, internal legal analysis, meeting requests);*
 - c) *Whether the ICO has issued any advice, warning letters, or informal regulatory interventions to dating app providers or platforms using sex- or gender-based profiling mechanisms since 2021.*
2. *The May 2024 internal note reveals concerns about a forthcoming dating app (LAP) using facial recognition technology (FRT) to assess whether users are male or female. While the biometrics team is noted as "engaging," your response confirms that:*
 - No regulatory action has been taken;*
 - No guidance has been issued;*
 - No complaints on sex/gender profiling from 2018 onward have been retained;*
 - No Equality Act compliance guidance appears to have been developed in light of the Supreme Court ruling (2022/2024).*

Given the sensitive nature of sex-based profiling, especially where automated decision-making intersects with Equality Act protections, this raises significant concerns about the ICO's regulatory posture, audit trail, and transparency.

Please confirm whether:

- a) *Any internal risk assessments, case reviews, or DPIAs have been undertaken on apps like LAP or similar platforms using FRT or gender identity-based categorisation;*
- b) *Any cross-regulatory discussions (e.g. with EHRC, CMA, Ofcom, or the Home Office) have occurred regarding profiling, facial recognition, or algorithmic discrimination on dating platforms;*
- c) *Any planned guidance, investigation, or enforcement is underway in this domain.*

If no further material is held, I would welcome a clear explanation of how the ICO intends to address future risk in this area, given the known data protection and equality implications."

We received your request on 23 July 2025.

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

Our response

Conducting the searches necessary to confirm if we hold the information that you have asked for in question 1c would exceed the cost limit set out by section 12 of the FOIA. This is due to the inclusion of *"platforms using sex or gender-based profiling mechanisms"* within this part of your request.

Section 12 of the FOIA makes it clear that public authorities are not obliged to respond to a request where we estimate that the cost of doing so would exceed 'the appropriate limit'. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

You have asked us to provide you with a copy of any *"advice, warning letters, or informal regulatory interventions to dating app providers or platforms using sex or gender-based profiling mechanisms since 2021"*. The ICO does not hold a list of all the organisations (or platforms) that use gender-based profiling mechanisms. We would therefore need to conduct searches of all of the cases

that we hold to determine whether we have issued correspondence that relates to gender-based profiling.

It may help to explain that our case management system does not allow us to conduct key word searches such as "gender-based profiling", or similar. Whilst we can search via an organisation name, or by the legislation that a complaint or advice relates to, this does not narrow it down to organisations that use gender-based profiling. For this reason, we would need to search every case held on our system to determine whether such correspondence has been issued by the ICO.

Undertaking these searches would greatly exceed 18 hours, accruing a charge of £450 or more, triggering the provisions of section 12 of the FOIA. As one part of your request would exceed the cost limit, we are refusing to respond to this request on reliance of section 12 of the FOIA.

We have provided some advice below.

Advice and assistance

We would like to highlight that during the handling of your previous FOI response (IC-397366-J0B2), we conducted searches for:

- any correspondence issued (including advice and warnings) to dating app providers,
- complaints received, and
- regulatory action taken against dating app providers for gender-based profiling.

As confirmed in the previous response, no information was located. Therefore, if you were to narrow the scope of your request by removing "*platforms using sex or gender-based profiling mechanisms*" from your request, then we have already answered your question in the previous response.

Whilst we have already confirmed in the previous response that the complaints received about dating app providers did not mention gender-based profiling, if you are interested in more general information about the complaints that we have received about dating app providers, this information is already publicly available. The ICO publishes details of the complaints that we have received, and the outcome issued in each case. You can filter these datasets by the name of

the relevant organisation, such as "LAP." Please see our website here: [Data Protection Complaints](#).

Further, the ICO also publishes details of the investigations that we have undertaken, you can view this information on our website here: [Civil Investigations](#) and [Cyber Investigations](#).

You can read about our plans for new and updated guidance on our website here: [Our plans for new and updated guidance](#).

In relation to question 1a and 1b, we can confirm that the information that has been withheld from IC-397366-J0B2 is a short extract from meeting notes and one small email chain, this information is from June 2025. As advised in the previous response letter, this information relates to consumer data protection on dating platforms.

In relation to the last part of your request, you have the right to request information that already exists; however, public authorities are not required to create new information to respond to your request. We are therefore not required to provide explanations on future intentions of the ICO (unless this information is already recorded).

This concludes our response to your request.

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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