

14 April 2025

## **ICO Case Reference IC-372026-P4G4**

### **Request for information**

Request received 18 March 2025, in summary:

"Please provide any policies, training materials, or guidances about how Court staff are to respond to such file requests, particularly with reference to GDPR" [in relation to requests for case files].

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 some information in scope of your request. We hold training and guidance for ICO staff, and guidance for the public and for organisations. We do not hold any relevant policies.

Please find attached a copy of the information in scope. This includes relevant guidance held on our staff intranet, and a legal concepts paper about access to court documents. This information was produced for ICO staff and assumes prior knowledge of the legislation. We have redacted a small amount of information in accordance with section 31 of the FOIA. Please see below for further information.

There is also relevant information for organisations and for the public on the ICO website. We publish our UK GDPR training videos and transcripts online. Modules 10 and 11 cover [Exemptions](#). Module 11 includes a brief section on UK GDPR as it relates to personal data processed for certain judicial purposes or by people or bodies acting in a judicial capacity.

Our web pages for organisations [A guide to the data protection exemptions](#), [What other exemptions are there?](#) and [What do we need to consider if personal information is processed by a court for law enforcement purposes?](#) cover this topic. The matter of accessing court case files is also covered in our section of the website for the public titled [Get access to your personal data held by the criminal justice system](#).

## **FOIA section 21**

Information that is already reasonably accessible is technically withheld under section 21 of the FOIA which states that we don't 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.

## **FOIA section 31**

We have redacted an internal email address from the attached information under section 31(1)(g) of the FOIA. We can do this when the disclosure of information

"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):

"a. the purpose of ascertaining whether any person has failed to comply with the law," and

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

Misuse of internal email addresses that exist to support ICO staff would likely prejudice our ability to perform our regulatory functions. Disclosure would

leave us vulnerable to phishing or other cyber-attacks, spam, or an increased volume of irrelevant correspondence which it would take us time to process.

There are other channels that the public can use to [contact us](#) and these are detailed on our website.

The exemption at section 31(1)(g) is not absolute. When considering whether to apply it in response to a request for information, there is a 'public interest test'. We have to consider whether the public interest favours withholding or disclosing the information.

In this case the public interest factor in favour of disclosing the information is:

- Increased transparency in the way in which the ICO conducts its operations.

The public interest factors in maintaining the exemption are as follows:

- Internal email addresses being used inappropriately will reduce the effectiveness and efficiency of our regulatory functions.
- The information of primary relevance to your request is not affected by the redaction of our internal email addresses.
- The public interest in transparency is met by the public provision of other more appropriate means of contacting us.

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.

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 remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. 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**

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 0303 123 1113. Website: [ico.org.uk](https://ico.org.uk)

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