

25 March 2025

IC-370178-M5J0

Request

You asked for information about an investigation into a criminal offence.

We received your request on 16 March 2025.

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

Our response

We neither confirm nor deny that we hold the information you have requested.

Section 30(1) states that:

"Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of-

- (a) any investigation which the public authority has a duty to conduct with a view to it being ascertained-
 - (i) whether a person should be charged with an offence, or
 - (ii) whether a person charged with an offence is guilty of it,
- (b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or
- (c) any criminal proceedings which the authority has power to conduct."

The information you have requested, if held, would fall into the category described in 30(1)(a).

Section 30(3) confirms that we are not required to confirm or deny that we hold information if it would be exempt from disclosure under any of the criteria set out above. However, we must carry out a public interest test to weigh whether the public interest favours confirmation or denial.

In this case the public interest factors in favour are:

- There is a general public interest in transparency about the ICO's functions.
- There is public interest in knowing whether information is held in relation to the requested incident specifically.

The factors against are:

- Either confirming or denying that the ICO holds information in scope of the request would affect the integrity of other responses where the ICO has previously neither confirmed nor denied that we hold information exempt under section 30 of the FOIA.
- If the ICO were to reveal the details of an investigation, this could prejudice the ICO's ability to conduct future investigations, as this may affect the willingness of relevant parties in the future to co-operate with the regulator.
- The public interest is served by our commitment to publish noteworthy criminal investigations in due course as published in our "Communicating our Regulatory and Enforcement Activity Policy".

Having considered these factors, we are satisfied that we can rely on section 30 to neither confirm nor deny whether we hold the requested information.

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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