

8 April 2025

IC-370923-B3L4

Request

You asked us:

Can you please kindly advise me on the name of the ICO solicitor involved in the appeal (IC-302476-G3S1) and update me on the current situation with the appeal?

Can you please provide the public documents in relation to the appeal (the order with the court's directions, on which the hearing for the appeal listed for February 2025 was cancelled)?

We received your request on 18 March 2025.

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

Our response

We can confirm that we hold some information in scope of your request.

Information relating to the ICO solicitor involved in the appeal is exempt under 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

We do not believe that it is necessary to disclose this information. Cases of this nature are handled by the ICO's legal team and cases can sometimes be re-allocated to other solicitors.

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.

Whilst we do hold an update in relation to the above appeal, this update was provided to the ICO by the First-tier Tribunal and therefore is exempt under section 32 of the FOIA which relates to Court documents.

Section 32(1) of the FOIA states in full:

32(1) Information held by a public authority is exempt information if it is held only by virtue of being contained in –

- a. any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter,*
- b. any document served upon, or by, a public authority for the purposes of proceedings in a particular cause or matter, or*
- c. any document created by –*

(i) a court, or

(ii) a member of the administrative staff of a court,

for the purposes of proceedings in a particular cause or matter.

Section 32 is a 'class' based exemption and is 'absolute', which means that if the nature, or class, of the information held falls within the scope of the exemption it need not be provided in response to a request under the FOIA.

The information you have requested falls within the scope of section 32(1)(a) above, and as such are exempt from disclosure under the terms of the FOIA.

The rationale for this exemption being absolute is that courts and tribunals regulate access to information generated in the course of proceedings, and the exemption is intended to protect court documents.

With regards to your request for 'the public documents', having conducted reasonable searches, the only public document the ICO is aware of in relation to the above appeal is the Decision Notice which can be found here: [Ministry of Justice | ICO](#)

Because the information is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA.

We are not aware of any other documents that are currently in the public domain, however they would also be withheld under section 21 of the FOIA.

Section 21 states that we don't need to provide you with a copy of information when you already have access to it.

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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