



Department
for Environment
Food & Rural Affairs

Area 4C, Nobel House
17 Smith Square
London
SW1P 3JR

T: 03459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Mr Jonathan Mantle
By email: request-336124-332dbe58@whatdotheyknow.com

Our ref: RFI 8330

20 June 2016

Dear Mr Mantle

REQUEST FOR INFORMATION: DATA PROTECTION BREACHES REGISTERED WITH THE INFORMATION COMMISSIONER'S OFFICE SINCE 1 JANUARY 2015

Thank you for your request for information, which we received on 23 May 2016, about data protection breaches registered with the Information Commissioner's Office (ICO) since 1 January 2015. As you know, we have handled your request under the Freedom of Information Act 2000 (FOIA).

You made your request in the following terms:

"Please can you tell me how many times [Defra has] had to [register] a Data Protection Breach with the ICO since 01/01/15 until time of writing?"

In line with central government policy, Defra reports any serious data related incidents (i.e. serious data protection breaches) to the Information Commissioner, details of which are published in Defra's Annual Report and Accounts. Defra's Annual Report and Accounts for 2015-16 are due to be published in July. However, in response to your request, I can inform you that Defra* has not reported any data protection incidents of this nature to the ICO.

In addition to reporting serious data protection breaches to the ICO in line with the central government policy as mentioned above, Defra may report data protection breaches to the ICO outside that policy. During the period covered by your request (i.e. from 1 January 2015 to 23 May 2016 (the date of your request)), Defra holds information in respect of these other breaches that you have requested (i.e. the number of times Defra has had to register such data protection breaches with the ICO). However, as the number of any of these breaches reported to the ICO is small, information about them, including the number of such breaches, constitutes other individuals' personal data as defined in section 1(1) of the Data Protection Act 1998 (DPA) and we are of the view that disclosure of the

* "Defra" means the core department of Defra and the four Executive Agencies (APHA (Animal and Plant Health Agency), Cefas (Centre for Environment, Fisheries and Aquaculture Science), RPA (Rural Payments Agency) and VMD (Veterinary Medicines Directorate))

information would breach the DPA. Consequently, we are withholding this information under sections 40(2) and 40(3)(a)(i) of the FOIA, which exempts from disclosure information consisting of personal data relating to individuals other than the requester in cases where such disclosure would breach any of the data protection principles in Part I of Schedule 1 to the DPA. We consider that disclosure of this information is likely to breach the first data protection principle in the DPA, which relates to the fair and lawful processing of personal data. Public disclosure of the information would not constitute 'fair' processing of the personal data because the information, when coupled with other information about the incident(s) which is known to some persons, would enable the information to be identified as relating to particular individuals and people would be able to discern personal data that they are not entitled to know.

We attach an annex giving contact details should you be unhappy with the service that you have received.

If you have any queries about this letter please contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Waller', with a stylized flourish at the end.

David Waller
EIRs/FOIA case officer
Information Rights Team
InformationRequests@defra.gsi.gov.uk

Annex

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Nick Teall, Head of Information Rights, Area 4C, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

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