

Matthew Rice

Dear M Rice

**Case Reference IC-38751-X1B0**

**Request for Information**

Further to our acknowledgement of 22 April we can now respond to your request for information of 20 April.

We have dealt with your request in accordance with the Freedom of Information Act 2000 (FOIA).

**Request**

In your email, you asked:

*" I'm writing to request information relating to the number of actions received by the Information Commissioner's Office under section 187 of the Data Protection Act 2018.*

*If the information is available it would be useful to know:*

- what sector each action related to (public body, private body).*
- the name of the organisation / organisations that initiated the section 187 actions.*
- the number of actions under section 187 that have been concluded by the Information Commissioner's Office. "*

**Our response**

I can confirm we hold information falling within the scope of your request, however have to advise that locating the extent of the information requested would breach the cost limit envisaged by section 12 of the FOIA.

## **FOIA section 12**

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Under data protection legislation, individuals have the right to lodge a complaint with the ICO as the relevant supervisory authority in the UK. The details of these complaints, along with the details of thousands of other enquiries and concerns regarding the other laws we oversee, are processed within a casework management system.

An electronic record is created for every case, every complainant and every 'complained about' organisation. This is because part of our role is to improve the information rights practices of organisations by gathering and dealing with concerns raised by members of the public.

The system allows us to search for the cases we have dealt with in a number of different ways, such as by the unique reference number the case was given, the name and address of the person who contacted us and the name of the body that has been complained about. We can also search for cases on the basis of the broad nature of the complaint, such as that it relates to subject access.

However, we do not have a specific data field to categorise complaints/ actions brought under s.187 of the DPA 2018 and so cannot conduct an automated search based on this criteria. We have not as yet made changes to our case management systems to record actions under specific provisions of the new Act such as this.

Currently this is not information we would require for our business needs. As such, to establish the information that we hold and which falls within the scope of request would require a manual search at the correspondence on thousands of cases. To give you an idea, in the financial year 2018- 2019 alone we received 41,661 complaints under data protection legislation.

Assuming that each search would take approximately 3 minutes to complete – and it is certain that some searches would take much longer than that – to determine the number of complaints within the scope of your request for just a

one year period would require over 2000 hours' worth of searching. This is in far in excess of the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA.

### **Advice and assistance**

Due to the vast numbers of complaints that we process as set out above, I am unable to suggest a way in which you might narrow the scope of your request in order to avoid hitting the section 12 costs limit which would still provide you with generalised data about the type of complaint that you're interested in. However if you are aware of a particular organisation or number of organisations which are likely to have brought such actions to the ICO on behalf of individuals we may be able to conduct manual searches based on the names of those organisations to provide you with some data about such actions.

I should also advise that we could not guarantee the accuracy of the results provided following a manual search.

Consideration can also be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it, particularly given the issues regarding accuracy described above.

### **Review procedure**

If you are dissatisfied with our under the FOIA or wish to complain about how your request has been handled please write to the Information Access Team at the address below or email [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk).

A request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please write to our FOI Complaints & Appeals Department at the address below or visit our website if you wish to make a complaint under the Freedom of Information Act.

A copy of our review procedure can be accessed from our website [here](#).

## Your rights

Our [privacy notice](#) explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for [an information requester](#). Our retention policy can be found [here](#).

Yours sincerely



Hannah Silk  
Lead Information Access Officer  
Corporate Strategy and Planning Service  
Information Commissioner's Office, Wycliffe House,  
Water Lane, Wilmslow, Cheshire SK9 5AF  
T. 0330 313 1688 [ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)  
Please consider the environment before printing this email

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