

Outcomes Since 1 April 2014

(for all case types)

DC outside UK – Used when the data controller is outside the UK so the matter falls outside our jurisdiction. Concerns closed with this outcome will be considered for possible referral to other DP authorities overseas using our international case-handling procedure.

Not DPA – Used when it is clear from the information provided that the concern does not fall within the scope of the DPA, or it is not sufficiently clear whether the concern falls within the scope of the DPA. For example, where we cannot identify what, if any, personal information has been processed.

Concern to be raised with DC – Used when a customer has raised a concern with us and we believe they should first have raised it with the DC. Should also be used in cases where the customer says they have raised the matter with the organisation responsible, but we need them to provide evidence (or more evidence) that they have done so, before we will deal with the matter.

Response needed from DC – Used when a customer has raised their concern with a DC but a response has not been provided AND we believe the customer should either wait to receive it or do more to follow up their earlier contact with the DC. If a DC has not responded but we don't believe it is reasonable for the customer to have to follow it up (because their concern seems to be being ignored), we would deal with the case under a different outcome. We are likely to offer advice to the DC or expect them to take steps to improve their practices.

No action for DC – Used when concerns raised by the customer do fall under the DPA because they are about the processing of personal information, but they are not valid because the data controller does not appear to have breached the legislation based on the information provided. We would not need to contact the DC but would provide advice to the DS. When applied to COM cases, we would use this outcome when the incident reported is not a breach of DPA or when a breach has happened but the organisation took all necessary steps and no practice improvements are needed.

General advice given to DC/org – Used when the ICO wishes to contact a DC to offer advice about general information rights practice if their actions do not appear to have breached the legislation but a service improvement may have avoided the concern being raised with the ICO. ENF cases could involve providing advice under either DPA or PECR. The outcome reflects this by referring to the organisation rather than the data controller.

Compliance advice given to DC/org – Used when no action is required of the DC but we do want to make them aware we have received a concern about them and are keeping it on file. This

could be used where a DC put things right after a DS raised a concern with them and the issue was minor, like correcting a single inaccuracy when prompted. ENF cases could be providing advice under DPA or PECR, so the outcome reflects this by referring to the organisation rather than the data controller.

DC action required – Used when we identify an opportunity for the DC to take a one-off action to tackle a shortfall in their information rights practice where the action doesn't come within any other outcome category – such action may be, for example, providing a response to a customer's subject access request or engaging with a customer to address their information rights concern. When applied to COM cases, this outcome would be used if there is no opportunity to improve future practices but we do think a DC should take further action to deal with the reported incident. For example, the DC may need to contact those affected by the incident.

Improvement action plan agreed – Used when we identify an opportunity to improve future practices and we either ask a DC to produce a plan to do this or we recommend that it should take particular steps to make improvements. Rather than one-off actions in individual cases, this outcome is used wherever we recommend ways to improve future practices on a broader level, such as reviewing processes or procedures to prevent concerns arising in future.

Monitored: sufficient improvement – Used when we are satisfied that, after a period of monitoring, an organisation's practices have improved enough not to need further action.

Undertaking served – Used when the ICO identifies specific actions for a DC to agree to improve future information rights practice.

Advisory visit recommended – Used when we believe an organisation needs to improve practices, the most appropriate way to do this is to have an advisory visit, and Good Practice has agreed to approach them.

Compliance audit recommended – Used when we believe an organisation needs to improve practices, the most appropriate way of doing this is to have a compliance audit, and Good Practice has agreed to approach them.

Enforcement notice pursued – Used when it has been agreed to consider pursuing an enforcement notice and an ENF case has been created for this work to be progressed.

Preliminary enforcement notice served – Used when a preliminary enforcement notice has been served.

Enforcement notice served – Used when an enforcement notice has been served.

Civil monetary penalty pursued – Used when we have agreed to consider pursuing a CMP and an ENF case has been created for this work to be progressed.

CMP notice of intent served – Used when the ICO has issued a formal notice of intent to pursue a civil monetary penalty.

CMP final notice served – Used when the ICO has issued a civil monetary penalty.

Criminal investigation pursued – Used when we have agreed to investigate a criminal allegation and a PCB case has been created for this work to be progressed.

Insufficient information provided – Used when the customer has not given us sufficient (or sufficiently clear) information to enable us to progress their case. This includes cases where the customer has not yet raised the matter with an organisation.

PECR does not apply – Used when the matters raised do not fall under the PEC regulations.

Insufficient evidence of breach – Although sufficient information has been provided, it remains unclear what information was processed/whether marketing material was sent by a particular organisation.

Enforcement not recommended – Used when a PECR breach is confirmed but we will not take formal action.

Enforcement pursued – Used when a PECR breach is confirmed and we will consider enforcement action.

Not PA – Used when the organisation being complained about is not a public authority

Not s50 – Used when the matters raised are not eligible for consideration under s50 of the FOIA.

Not EIR – Used when the matters raised are not eligible for consideration under the Environmental Information Regulations.

Vexatious – Used when we deem the complaint vexatious.

Frivolous – Used when we deem the complaint frivolous.

No internal review – Used when no internal review has been engaged with/by the authority.

Undue delay – Used when the complaint was raised with the ICO after an undue length of time.

Abandoned – Used when, without prompting or negotiation, the customer informs us they no longer wish us to pursue their complaint.

Withdrawn informally resolved – Used when, after negotiation with one or both parties, the customer agrees to withdraw their complaint.

Decision notice served – not upheld – Used when ICO makes a decision that agrees with a public authority's handling of a request. The complaint is not upheld.

Decision notice served – upheld – Used when ICO makes a decision that disagrees with a public authority's handling of a request. The complaint is upheld.

Decision notice served – partially upheld – Used when ICO makes a decision that only partially agrees with a public authority's handling of a request. This should focus on the substantive issues rather than any procedural breaches.

Marked for deletion outcomes – All cases with a 'marked for deletion' outcome will automatically be deleted from the system at set periods.

DPA Case Outcomes prior to 1 April 2014

Closed – compliance unlikely, voluntary compliance achieved

This is used where the ICO has determined that compliance with the DPA is unlikely to have been achieved and where the data controller has taken action to put things right (either of their own volition or following advice from ICO).

Closed – compliance unlikely, remedial action taken

This is used where the ICO's view is that compliance with the DPA is unlikely to have been achieved and where the data controller has taken action to put things right

Closed – compliance unlikely, no remedial action taken

To be used where we have investigated the matter, determined that compliance with the DPA is unlikely to have been achieved and where the data controller has not taken action to put things right.

Closed – advice given

This is used where a customer has not made a direct complaint, but has asked how to complain or whether a particular scenario would benefit from the ICO conducting an assessment.

Closed – insufficient information provided

This is used where the complainant has not provided enough information for the ICO to consider their complaint.

Closed – assessment criteria not met

This is used where a complaint raised with our office falls outside our complaints handling procedures (e.g. where a DP complaint is raised with us 12 months after the complainant is aware of the issue)

Closed – compliance likely

This is used where the ICO's view is that compliance with the DPA is likely to have been achieved.

