

From Compassion in Care
To The Information Commissioner

29th October 2021

Dear Sir/Madame

We write to you regarding the advice given by the ICO in relation to a question we asked this week, via twitter. Is confidential information given via a charity helpline exempt from disclosure? Please see the response overpage.



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investigations, or whether disclosing the information could identify the person who initially provided the information. If so, then you would not need to provide the information as this would most likely be exempt from disclosure.

You can find further guidance on SARs and exemptions on our website, in particular in the 'information about other individuals' and 'what other exemptions are there' sections:

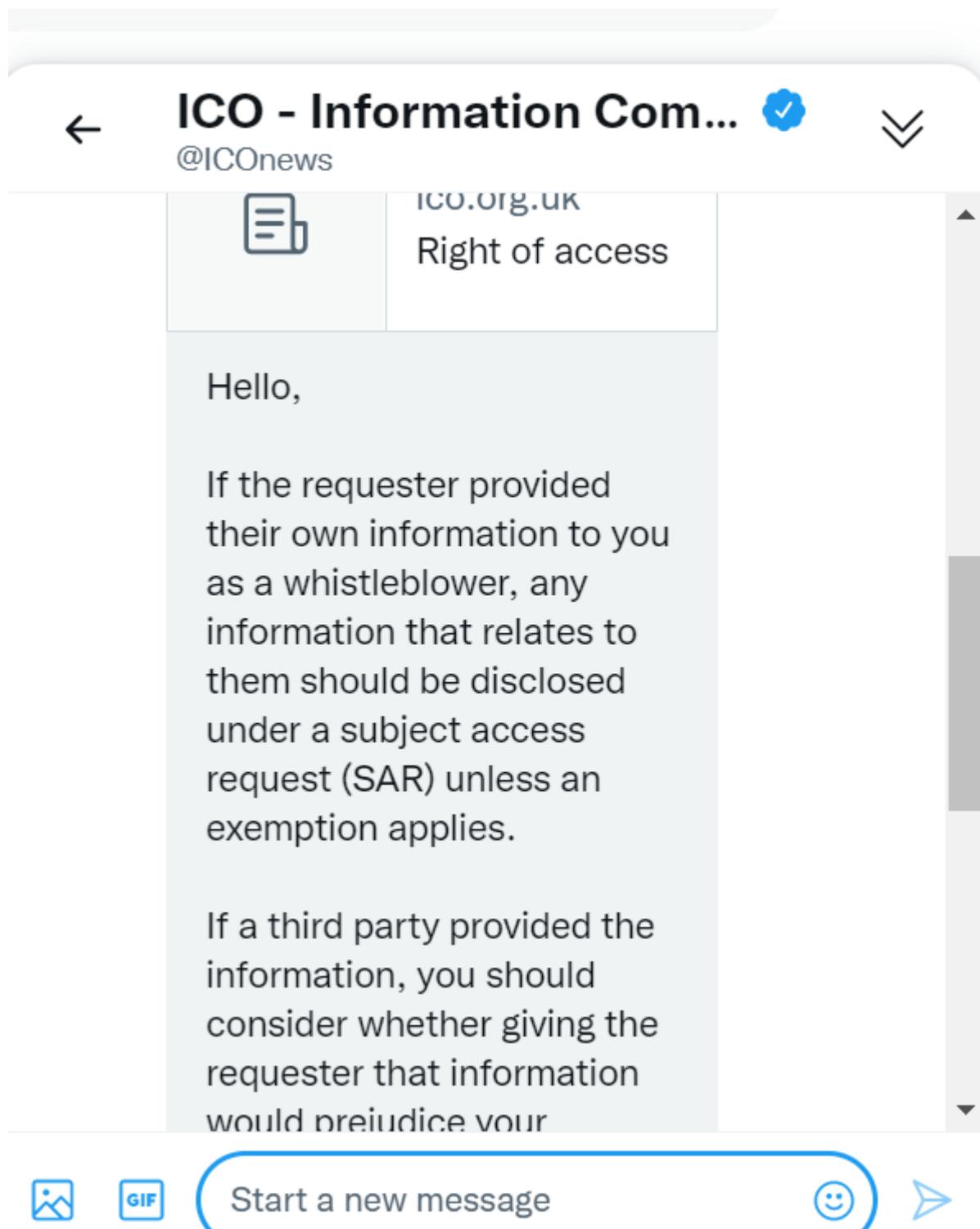


Yesterday 6:13 PM



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This was **exactly** the same advice we were given when we rang the ICO switchboard for advice **prior** to responding to a subject access request.

This resulted in a formal complaint being made to the ICO by the requester for SAR, Georgina Halford Hall of WBUK.

We were **not** at any time informed that there had been a complaint or we could have given the ICO the one piece of vital information that would have resulted in a fair judgement by the ICO, namely that the information requested by Halford Hall was **confidential helpline information**. Halford Hall had withheld this crucial fact from her complaint to the ICO and it can only be reasonably concluded that she did so in order to mislead the ICO.

Halford Hall also made a large number of very serious unevidenced allegations, and we do acknowledge that the ICO did **not** exceed its remit by giving any credence to any of these unjust, unevidenced and malicious allegations.

Extract from letter from ICO

"I also provided some broad information about the right of access. Now that I am more aware of the situation, I can see that this was not sufficient detail and how it has caused you difficulties. I am also sorry that you were made aware of our view by Ms Halford-Hall, rather than a letter from ourselves, this was due to the change in our processes because of the current pandemic situation and I acknowledge that this should not have happened."

As the ICO were made aware at the time, we were never informed that a complaint had been made until the complainant sent us a copy of your judgement, which said we should write to Halford Hall and explain why we were not releasing her data and that was the only action the ICO asked for, but even that action was not warranted.

Halford Hall runs an alleged whistleblowing organisation, she would be fully aware that helpline information was confidential and know the ICO exemptions on this already. Furthermore, Halford Hall was fully aware that the only information we held on her was helpline information, other than that which was published on our website.

We wrote to Halford Hall again with the **same** response we had originally issued to her, we heard no more, and no further complaint was made by Halford Hall, so it is entirely reasonable to conclude that Halford Hall was satisfied with this **second response**. However, as this second response was exactly the **same** as the previous response we issued, it is entirely reasonable to conclude that Halford Hall had made this complaint with malicious intent in first instance.

We want the following clarified also, our **primary** reason for refusing to give information was that the information came via our confidential helpline and that we would never breach the confidentiality of our helpline callers.

The **secondary reason**, the only remaining information we held on Halford Hall related to the organisation **WBUK**. This information was published on our website as Halford Hall well knew, as such this published information came under the journalistic exemptions by virtue of its publication.

We want these issues addressed and the record amended as required by the **facts**.

We understand that the ICO has clearly been misled by Halford Hall, but we ask you to consider.

1. Should we have been given the right to respond by being informed of a complaint against us against **prior** to a judgement being issued?
2. Was the fact that the information requested related to confidential helpline information and published information, not relevant in any investigation?
3. Was the withholding of these vital facts by Halford Hall in her complaint to you, not a dishonest action?
4. Given the second letter sent to Halford Hall as requested by the ICO, and fully accepted by Halford Hall as an adequate response; considering this accepted response is a replica of the first letter sent, of which Halford Hall, complained to the ICO, not evidence of a malicious complaint in the first instance?
5. Given all the facts, should the complainants credibility not be reconsidered.
6. Halford Hall has subsequently and consistently targeted this charity with malicious allegations as a direct result of this charity reporting evidenced valid concerns to the relevant authorities about Halford Hall and WBUK.
7. Is the fact that we sought advice from the ICO prior to responding to Halford Hall not relevant when exactly the same advice is issued this week by the ICO to exactly the same question?
8. As Halford Hall is alleged to run a whistleblower helpline was it reasonable to conclude she was fully aware of helpline

confidentially to the extent an ordinary member of the public would not be?

9. Should not the ICO have taken Halfords Halls knowledge of helpline confidentiality into consideration?

10 When the ICO issue advice via a helpline, should it not stand by that advice subsequently.

We look forward to hearing from you once a thorough investigation has been conducted. We also have to make you aware that all the evidence in our case with the ICO is likely to be relevant in separate legal proceedings relating to Halford Halls conduct.

Eileen Chubb