

# Performance and Impact Report

Q3 2025/26

# Measuring our performance and impact

Measuring our performance and the impact of our work is at the heart of what we do. We ensure that our delivery is focused on outcomes and impacts, and monitor how we achieve this through qualitative and quantitative measures.

This enables decision-making and the efficient allocation of our resources, ensuring value for money. It also provides important opportunities for learning, and publishing this information aids our transparency and accountability.

The [Data \(Use and Access\) Act 2025](#) (DUAA) updates our duties with respect to the interests of data subjects and controllers, amongst other things, as well as having requirements in relation to future strategy, analysis of performance and reporting. We are also subject to the [Growth Duty](#) and have made a series of [commitments](#) in support of growth.

This report on our performance and impact builds on a set of KPIs that are linked to the objectives in our existing strategy, ICO25. It also anticipates some of our future reporting requirements, and we will continue to refine the contents as we work to deliver a new corporate strategy to supersede ICO25 and meet our obligations under the DUAA.

## **Enduring performance measures**

Drawing on our principal objective as updated in the DUAA and our obligations with respect to data subjects and controllers, the table below presents a number of enduring performance measures.

Measure	2023/24	2024/25
<b>Data subjects'...</b>		
<b>Awareness of rights</b>	14%	<b>16%</b>
<b>Awareness of the ICO and confidence in what we do</b>	22%	<b>26%</b>
<b>Data controllers'...</b>		
<b>Awareness of the ICO</b>	59%	<b>63%</b>
<b>Agreement the ICO is clear about what the law requires</b>	72%	<b>74%</b>
<b>Agreement the work of the ICO reduces compliance costs</b>	31%	<b>34%</b>

## Enabling businesses and growth

We have a strong track record of engaging with the organisations that we regulate and seeking to enable their activities within the law.

We proactively monitor the impact that our regulatory activities have on businesses and publish our [Enabling Businesses](#) report. The latest publication shows that the activities in focus have resulted in up to approximately £233 million of economic value for businesses over a five-year period with an average of around £47 million per annum. This captures both cost savings and enhanced revenue from new opportunities.

We continue to engage with government in relation to its growth [Action Plan](#) and are delivering on both the commitments that we have made and contributing to reductions in the administrative costs of regulation.

# Update on regulatory impact

We are committed to understanding and explaining the impacts of our regulatory action, with bespoke and proportionate measurement of impacts both before and after interventions. Here we explain our approaches and recent work in this area, with a focus on our priority areas of work.

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## Before intervention

Prior to intervening ('ex-ante'), impact assessments (IAs) are a key way in which regulators balance different obligations and objectives, and ensure that in making a decision to intervene regulatory action is both proportionate to the issue at hand and not unduly burdensome on those that they regulate. Our [Impact Assessment Framework](#) provides stakeholders with a clear picture of how we assess the likely impact of our relevant proposed interventions. Our [impact assessment](#) reports are published on a dedicated webpage. In Q3, we published an impact assessment on our [privacy notice generator](#) tool.

## After intervention

After intervening ('ex-post') impact refers to the impact of an intervention after it has been implemented and in operation for a period of time. There are a range of different approaches that can be taken to assessing the after intervention impact of an intervention such as monitoring, review and evaluation. Our [Ex-Post Impact Framework](#) outlines the spectrum of approaches we deliver within the ICO to assess our ex-post impact, where relevant. Our highest level of review under the Framework is a 'full-scale review'. Our default position is a presumption of openness and transparency, with an ambition to publish the findings from all of our full-scale ex-post impact work. These publications are available on our [Evaluation and other impact](#) publication webpage. In Q3, we published our [interim impact review](#) of the Children's code strategy.

# Update on our cause and transformation work

To help give clear areas of focus, the ICO has agreed three organisational causes:

## Children's Privacy

In Q3 we published a [children's code strategy update](#) which assessed our progress and set out next steps. We worked on developing a compliance and monitoring programme to drive the adoption of more robust and proportionate age assurance methods on 17 high-risk platforms. We also developed and launched a monitoring programme to assess 10 mobile games apps following initial testing identifying concerns around privacy settings, age assurance and targeted advertising.



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## AI and Biometrics

During Q3 we developed a new 'Tech Futures' report highlighting the ways in which agentic AI could transform our lives, and advise that technological advancements must not come at the cost of data privacy. The report was [published early in the New Year](#). Also during the quarter we [published a statement](#) on the National Physical Laboratory facial recognition technology report, outlining the ICO's position on a historical bias in the algorithm used by forces across the UK for retrospective facial recognition within the Police National Database.



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## Online tracking and AdTech

In Q3 we completed retests of those top 1,000 websites that received an investigations letter around non-compliant cookie banners. Now, 99% of the top 1,000 sites have been tested as compliant giving 80% of UK users better control over online tracking. Action continues against sites failing our compliance criteria. We have also been [encouraging better practices by engaging with trade bodies](#) representing the majority of industries who appear in the top 1,000 websites and the consent management platforms (CMPs) that provide consent management solutions to nearly 80% of the top 500 websites.



## Our transformation programmes

Our purpose as an organisation is to empower people through information. We'll achieve this through our enduring strategic objectives and the way in which we prioritise our work through the lens of our three strategic causes. To help us do this, we've developed five significant work programmes that make up our transformation portfolio.

In support of our **Legislative Change Programme**, during Q3 We continue to engage with Government to support legislative planning and promote a coordinated approach to reform. We provided input on drafting suggestions for DUAA transitional and commencement regulations to be laid in January. We also published a consultation on the new charitable soft

opt in provisions and updated our Law Enforcement guidance. Our **Customer Experience Programme** reviewed responses to the DP transformation consultation. Planned implementation of the changes to our complaints handling approach will be implemented across Q4 with a response being published and staff training commencing in January.



Our **Employee Experience Programme** continued engagement around our intention to [relocate our head office to Manchester in autumn 2026](#), and a review has commenced into our end-to-end recruitment, onboarding and induction process. Our **Data, AI and automation programme** progressed our work to establish a data platform, which is on schedule with the data warehouse

implementation, data model development and data migration. And our **Regulatory Transformation programme** developed a further five eLearning modules and three supporting resources on the key features of the Regulatory Action Framework (RAF)', successfully launching 'Introduction to the RAF' learning materials to the wider organisation in October.

# Update on our performance this quarter

This section of the report includes key performance indicators (KPIs) and statistical data, as well as a supporting update describing our performance and impact work during the quarter. Figures extracted from our systems are based on a data snapshot for consistency, and the following RAG ratings are applied to our measures across this section of the report:

Key to RAG ratings*	(*except for measures targeting less than 1%)
<ul style="list-style-type: none"> <li>● <b>Green</b> = at, or above, target</li> <li>● <b>Amber</b> = within 10% of target</li> <li>● <b>Red</b> = more than 10% away from target</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Green</b> = at, or less than, 1%</li> <li>● <b>Amber</b> = between 1% and 2%</li> <li>● <b>Red</b> = greater than 2%</li> </ul>

## Complaints Q3 2025/26

We receive, assess and respond to complaints from the public about how their personal data is processed by controllers. We also receive service complaints about our handling of this casework.



115.92 days

DP case average age at end of quarter

Q3 last year: **73.3 days**



36,913 cases

DP caseload at end of quarter

Q3 last year: **13,587**



20,320 cases received

Q3 last year: **10,090**

Measure	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
We will assess and respond to <b>80% of data protection complaints</b> within 90 days	<b>12.3%</b> (Red)	<b>38.3%</b> (Red)	<b>30.6%</b> (Red)
We will assess and respond to <b>90% of data protection complaints</b> within 6 months	<b>98.2%</b> (Green)	<b>79.4%</b> (Red)	<b>52.0%</b> (Red)
<b>Less than 1%</b> of our <b>data protection complaints</b> caseload will be over 12 months old	<b>0.1%</b> (Green)	<b>0.2%</b> (Green)	<b>0.1%</b> (Green)
The Parliamentary and Health Service Ombudsman (PHSO) <b>does not uphold a complaint about us</b> in 100% of cases	<b>100%</b> (Green)	<b>100%</b> (Green)	<b>100%</b> (Green)
We will investigate and respond to <b>90% of service complaints</b> within 30 calendar days. <i>(Combined measure of service complaints across all teams)</i>	<b>83.2%</b> (Amber)	<b>83.8%</b> (Amber)	<b>95.1%</b> (Green)

Delivery on our 90 day complaint measure is down 7.7 percentage points on last quarter. We also saw more cases in our backlog that were over six months old.

Case closure rates in Q3 exceeded 10,000 but demand continued to outpace us. We received 20,320 complaints which is more than double than this time last year. To tackle this, we hired a number of temporary staff in Q3 whose impact will be seen in the next update.

In addition, we are continuing to invest in transforming our processes and use of technology. In October our [consultation on draft changes to our data protection complaints process](#) closed. This initiative, along with technology tools, aims to boost productivity, enhance responsiveness,

and focus resources on areas of greatest harm.

Elsewhere 137 out of 144 service complaints (across all teams) were investigated and responded to within 30 days (95.1%).

During Q3 we received 13 Parliamentary and Health Service Ombudsman complaints, none of which were upheld by the PHSO during the quarter (100%). *NB: due to the nature of reporting timeframes and time needed to consider cases, new case outcomes do not always align directly with the quarter in which the complaint is made. However, we will report any upheld cases, whether new within the quarter or first received in previous quarters, in the quarter where the complaint is upheld. No new or older complaints were upheld during Q3.*

## Enquiries Q3 2025/26

We receive enquiries from the public and from businesses about the processing of personal data, in writing, over the phone and via live chat.



70,472 calls

Q3 last year: **73,276**



14,031 live chats

Q2 last year: **18,749**



2,842 enquiries

Q3 last year: **2,850**

Measure	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
We will resolve <b>80% of written enquiries</b> within 7 calendar days (combined measure of Public and Business Advice enquiries)	<b>61.7%</b> (Red)	<b>87.5%</b> (Green)	<b>88.0%</b> (Green)
We will resolve <b>99% of written enquiries</b> within 30 calendar days (Combined measure of Public and Business Advice enquiries)	<b>81.3%</b> (Red)	<b>98.5%</b> (Amber)	<b>98.3%</b> (Amber)
We will answer <b>80% of calls within 60 seconds</b> (Combined public advice and business services calls)	<b>85%</b> (Green)	<b>82%</b> (Green)	<b>84%</b> (Green)
We will answer <b>80% of live chats within 60 seconds</b> (Combined public advice and business services live chats)	<b>79%</b> (Amber)	<b>91%</b> (Green)	<b>92%</b> (Green)

Demand continues to be high, despite this performance remains strong and we have seen further improvements this quarter. We will continue to focus on increased productivity and efficiency in enquiries handling to seek to maintain this performance.

## Assurance Q3 2025/26

We conduct audits of organisations' compliance with data protection legislation, publishing our findings, in the form of executive summaries and outcomes reports, and following-up as needed.



**13 audits**

**Completed in Q3**

Q3 last year: **13**



**357 audit recommendations**

**Made in Q3**

Q3 last year: **317**



**10 audit follow ups**

**Completed in Q3**

Q2 last year: **11**



**99% audit recommendations**

**Completed/in progress**

Q3 last year: **98%**

Measure	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
<b>90% of our audit recommendations are accepted</b> in full or in part	<b>99%</b> (Green)	<b>99%</b> (Green)	<b>98%</b> (Green)
<b>80%</b> of accepted recommendations, in full or in part, are <b>completed or being actioned</b>	<b>98%</b> (Green)	<b>99%</b> (Green)	<b>99%</b> (Green)

13 audits were completed during the quarter. 357 recommendations were made, 350 of which were accepted or partially accepted with 7 rejected.

During the quarter, 10 follow-ups were completed. 381 recommendations had been accepted or partially accepted. 200 were completed and 179 were in progress at the time of the follow-ups.

There were 2 recommendations that had not been started.

3 executive summaries were published in Q3. Our audits and overview reports can be [viewed on our website](#).

Audit activity undertaken in Q3 included audits of EdTech providers, and audits of Secure Care Homes.

# Personal Data Breach Services Q3 2025/26

We receive notifications of breaches of personal information. By working with organisations to comply with the law and providing appropriate support when breaches occur, we can help to ensure that organisations get it right in future.



**3,797 cases received**

Q3 last year: **3,184**



**126 cases over 12 months old**

Q3 last year: **281**

Measures	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
We will refer or close <b>80% of personal data breach reports</b> within 30 days	<b>88.9%</b> (Green)	<b>85.5%</b> (Green)	<b>45.9%</b> (Red)
<b>Less than 1% of personal data breach reports</b> will be over 12 months old	<b>14.0%</b> (Red)	<b>11.2%</b> (Red)	<b>1.8%</b> (Amber)

Q3 saw incoming cases returning to more manageable levels, following the large-scale incident reported in Q2. However, we continued to receive more new breach reports than in the same period the previous year.

Following recruitment in Q2, eight new staff joined the Personal Data Breach Service, totalling 7.4 FTE. Consequently, we have had greater capacity to resolve the oldest cases. Only 1.8% of cases are currently over 12 months old, and we expect this to continue to reduce in Q4.

This has had an adverse effect on the 30-day measure, as a greater proportion of the cases we closed were over 30 days old. However, the average age of an open case was 121 days at the end of Q3, compared to 153 days at the end of Q2.

The reduced waiting time represents an improvement for our customers. We continue to explore ways to improve our ability to deal with a fluctuating intake and to deal with breach report more quickly and easily.

# Freedom of Information Q3 2025/26

We review complaints about the handling of FOI and EIR requests by public bodies, and make statutory decisions. These decisions can be appealed to a Tribunal.



**2,750 cases received**

Q3 last year: **1,728**



**3,268 active cases**

Q3 last year: **1,297**

Measure	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
We will reach a decision and respond to <b>90% of FOI concerns</b> within six months	<b>94.6%</b> (Green)	<b>86.9%</b> (Amber)	<b>79.0%</b> (Red)
<b>Less than 1% of our FOI caseload</b> will be over 12 months old	<b>0.3%</b> (Green)	<b>0.1%</b> (Green)	<b>0.1%</b> (Green)
<b>66% of FOI tribunal hearings</b> in our favour	<b>69%</b> (Green)	<b>81%</b> (Green)	<b>77%</b> (Green)

As forecasted in previous reports, performance against our ambition of 90% case closure in 6 months fell below target this quarter and will now remain so for some time due to the intake and caseload pressures we face. We have maintained productivity in line with recent years, but in Q3 alone our intake was up 59% year-on-year and we have already exceeded our highest ever intake year with almost a full quarter of 2025/26 remaining.

While the in-year funding boost for the second half of 2025/26 from DSIT has meant we can bring in some short term staff, these have needed recruiting and training so we will only see a short productivity boost in Q4 (at the end of which they are currently due to leave). It is now taking us more than 6 months

to allocate non-priority cases, which means as we enter 2026/27 it is likely we will be out of target for a prolonged period. There are tech opportunities that we continue to explore, but at present it is not likely that these will scale to the extent that they will overtake the intake and caseload pressure we face. We are exploring alternative technological and recovery plan options. Given the combined intake pressure and lack of sustained funding increase, we could also consider returning our KPI to the 80% level it sat at prior to our FOI transformation work.

Details of all [our closed case outcomes](#) can be found in our published FOI dataset on the ICO website, as well as all [decision notices](#) and all

[recommendations](#) made in our FOI complaints handling work.

During Q3, 73 First-tier Tribunal cases were closed, of which 56 were successfully defended (76.7%). (NB:

'Successfully defended' is outcomes other than 'Allowed' and 'Part-Allowed'. Data is reported in-year as a quarterly snapshot).

## Information Access Q3 2025/26

We are subject to the laws we regulate and respond to requests for information held by the ICO.



649 cases received

Q3 last year: 569



112 active cases

Q3 last year: 120

Measures	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
We will respond to <b>100% of Information Access Requests</b> within statutory deadlines	<b>99.0%</b> (Amber)	<b>97.0%</b> (Amber)	<b>97.8%</b> (Amber)

The ICO has made a public commitment that we'll respond to 100% of information rights requests within statutory timeframes; as the regulator this is what we aim for when it comes to complying with the statutory duty.

We maintained strong performance in Q3, despite an increasingly complex caseload, achieving performance of 97.8%. During the quarter we received 649 new cases, a 14% rise when compared to 569 in the same period in 2024/25.

The Information Access team continue to work closely with communications colleagues to increase proactive disclosures on key activities to promote transparency and reduce the need for people to make requests to the ICO under the Freedom of Information Act.

There is also a programme of future engagement with colleagues who work on AI-related projects, with the aim of ensuring that both areas can mutually support each other when consulting about AI-related information requests.

## Corporate Health Q3 2025/26

We are developing additional ‘corporate health’ measures to give additional context to our performance as an organisation and our use of resources.



2.8% financial  
outturn forecast



1,054 full time  
equivalents

Q3:2024/25: **1,013**

Measure	Last year Q3 24/25	Previous Q2 25/26	Latest Q3 25/26
Forecast <b>financial year-end outturn is within +/-3%</b> of income	N/A	0% (Green)	2.8% (Green)

Our December management accounts show a surplus of £3.1m surplus for 2025/26. This reflects over-performance on income.

We secured significant fine recoveries on behalf of the Consolidated Fund, particularly through enforcement action against [Advanced Software](#) and the [Capita Group](#). This has enabled us to retain recoveries to cover our qualifying expenditure under the [Netting Off Agreement](#), increasing our retention by £2.6m over budget. Our recovery performance has also enabled us to return significant recoveries to the Consolidated Fund.

We have actively managed, and continue to do so, our Data Protection register and our registration fee income. We are currently reporting a surplus of £1.8m above our budgeted level of income.

Having committed the lease on our new head office and completed design, procurement of a contractor for the fit out is underway alongside other preparations for the move to Manchester. Our estimates of the related costs will be flexed as detailed plans fall into place, including the split of expenditure expected to fall into the current and the next financial year.

In the context of the reported surplus, worthwhile additional opportunities to spend in the current year above current expenditure forecasts are being explored.

### Planning forwards

Based on our current financial position we have updated our Medium-term Financial Plan. The Plan is informing parameters for setting a new budget before the start of the next financial year; and the financial priorities and

direction of travel beyond 2026/27, aligned to our Workforce Strategy and growing the capacity and capability needed to support our Regulatory Causes and Transformation Programmes.

The Transformation Programmes continue to work towards specifying our investments and the levels of benefits and efficiencies that individual projects can deliver to support achievement against our Medium-term Financial Plan.

Reporting against benefits and efficiencies will commence from Q4 alongside target assumptions to be included in the 2026/27 budget.

As reported previously, work continues in the People Services directorate to improve our approach to workforce analytics; work took place across Q2 and Q3 of this financial year and we will include additional people KPIs in future editions of this report.

## **Buzz Tracking**

We track ongoing public and business 'buzz' around the ICO. Each week our buzz survey is answered by 2,000 members of the public, and each month we receive responses from a nationally representative sample of 1,000 business decision-makers.

15% of the public and 47% of businesses reported hearing about the ICO during Q3 – down slightly on Q2. Notably, public buzz around the ICO's work on data breaches has more than doubled since the M&S cyber attack in the summer, remaining consistently high month-on-month during Q3.

For businesses, the most notable theme was increased awareness of our enforcement activity. Whilst many respondents mentioned hearing about enforcement in general, several specifically referenced the monetary penalty issued to Capita in October.