

Data protection complaint handling approach – Draft Impact Assessment

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1. Introduction

This document sets out a draft impact assessment of the ICO's proposed data protection complaint handling approach. UK data protection laws provide data subjects with the right to complain to the ICO if they think there has been an infringement of their data protection rights. This includes potential infringements of their rights under the UK GDPR, or under Part 3 or Part 4 of the Data Protection Act 2018 (DPA). The ICO is required to investigate complaints to the appropriate extent.

The proposed approach includes a new framework which sets out the criteria that would be used to determine the extent to which it is appropriate to investigate each data protection complaint the ICO receives.

1.1. Our approach to impact assessment

The purpose of impact assessment is to improve regulatory interventions and policymaking by:

- informing decision-makers about potential economic, social, and (where relevant) environmental ramifications;
- providing a mechanism to consider the impact of interventions on a range of stakeholders, including different groups of citizens and organisations;
- improving the transparency of regulation by explicitly setting out the intervention theory of change and the quality of underlying evidence; and
- increasing public participation in order to reflect a range of considerations, improving the legitimacy of policies.

This document sets out our initial impact findings alongside the publication of a proposed approach to handling data protection complaints. It is important to note that this is not an exhaustive assessment; we will develop our analysis further as we move towards publication of the final approach, based on any additional information and feedback received through the consultation process. **We are seeking feedback on this draft impact assessment, as well as any other information and insights stakeholders can provide on impacts through the consultation process.**

We have assessed the potential impacts of the proposed approach using cost-benefit analysis. Our approach follows the principles set out in the

ICO's Impact Assessment Framework,¹ which in turn is aligned with HM Treasury's Green Book.²

1.2. Report structure

The structure of this report is as follows:

- **Section 2: Problem definition** sets out the evidence base to support the identification of the problem that the intervention aims to address.
- **Section 3: Rationale for intervention** considers the rationale for intervention by exploring whether there is market failure and highlighting the legislative and policy context.
- **Section 4: Options appraisal** provides a review of the longlist of options for intervention against critical success factors and a high-level assessment of the costs, benefits, risks and dependencies associated with each of the shortlisted options.
- **Section 5: Details of proposed intervention** provides an overview of the proposed approach and sets out the key groups that are expected to be affected.
- **Section 6: Cost-benefit analysis** presents and analyses the identified costs and benefits of the approach, across each of the affected groups identified.
- **Section 7: Monitoring and review** outlines future monitoring considerations to ensure the impact of the intervention, and any lessons learned are captured.
- **Annex A: Longlist appraisal framework.**
- **Annex B: Theory of Change.**

¹ ICO (2023) *The ICO's Impact Assessment Framework*. Available at: <https://ico.org.uk/media/about-the-ico/documents/4027020/ico-impact-assessment-framework.pdf> (accessed 31 May 2025).

² HMT (2020) *The green book*. Available at: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020> (accessed 31 May 2025).

2. Problem definition

In this section, we define the problem that the proposed ICO intervention is aiming to address. This includes an overview of the current data protection complaints handling approach, a review of the problem drivers and an assessment of how the problem is likely to evolve without ICO intervention.

Problem statement:

An increase in data protection complaints in recent years has led to a growing backlog of data protection complaints, meaning that people are often waiting over 90 days for their complaints to be handled. This has resulted in delays in addressing data protection harms and dissatisfaction with the service. The ICO is concerned that the current approach may not adequately address the needs of individuals with serious concerns. Demand continues to grow for the ICO's complaint services. A more sustainable and effective solution is required to ensure the ICO is focused on cases where it can make the biggest impact. If left unaddressed, the ICO will be doing a disservice to those that most need its help.

2.1. Problem context

The ICO plays an important role in handling people's data protection complaints, supporting the public and providing organisations with clarity on how the law applies.

The UK data protection laws provide data subjects with the right to complain to the ICO about the processing of their personal data, if they think there has been an infringement of their data protection rights. The ICO is required to investigate complaints to the appropriate extent. Depending on the circumstances of the complaint this can range from reviewing the facts and supporting information submitted, to more extensive correspondence with the organisation and the complainant to understand what has happened.

2.2. The current approach to handling data protection complaints

When complaints are received, the ICO considers them fairly and impartially before deciding whether further information is needed. Once assessed, the ICO provides an outcome.

The ICO does not currently have a formal process for prioritising high-profile cases. Cases are generally assigned in chronological order and, while some are flagged due to their subject-matter – such as those involving a high risk of serious harm or attracting significant media attention – this is done informally and on an ad hoc basis.

There is no dedicated triage team or consistent set of criteria for identifying and escalating such cases. As a result, complaints that involve serious issues or that affect a large number of people may not be recognised early and can experience delays, simply because they are not easily distinguishable within the ICO’s current allocation system.

2.3. Scale of the problem and problem drivers

The core problem driver is the increase in complaints received year-on-year since 2022/23. As people become increasingly aware of their data protection rights, demand for the ICO’s data protection complaints handling service has grown. **Over the last three financial years, the number of complaints received has increased by 25.4%** relative to 2022/23.³ The range of complaints and sectors they relate to has remained comparable to previous years. Article 15 complaints (about the right of access) account for the majority of the ICO’s data protection complaints work. The figures are illustrated in Table 1 below.

Table 1: ICO complaints received figures 2022/23 – 2024/25

Complaints indicator	2022/23	2023/24	2024/25	% increase from 22/23-23/24	% increase from 23/24-24/25
No. of data protection complaints received	33,753	39,721	42,315	17.7%	6.5%
Average no. of complaints per month	2,813	3,310	3,526	17.7%	6.5%

Source: Information Commissioner’s Annual Report and Financial Statements 2024/25

³ Note: prior to 2022/23, available data show the number of complaints received per annum had been on a downward trend since 2019/20

Of the cases completed in 2024/25, 67% resulted in advice being provided and no further action being taken, while 33% led to the ICO taking informal action⁴. In some cases, this reflected cases where the ICO did not think there had been an infringement of the law, or where the complainant had approached the ICO too early.

Between March – May 2025, initial live reporting figures indicate that the ICO has received 4,718 complaints per month on average, which represents a 36.5% increase on the average number of complaints per month received during the same period in 2024 (3,455). Preliminary figures indicate the number of monthly complaints received has increased further in June and July, which suggests the trend is set to continue.

The ICO forecasts that **the number of complaints could rise by up to 31% in 2025/26 (to around 55,000 complaints in total)**, based on current live estimates in progress for 2025/26.

This increase in the number of complaints received has led to a growing backlog of data protection complaints, with complainants often waiting over 90 days for their complaints to be handled. The year-end caseload (live cases that had not been completed at year end) increased from 9,168 in 2023/24 to 15,810 in 2024/25⁵.

The ICO's current model of case handling is **increasingly stretched by the volume of complaints, meaning it is taking longer to address people's concerns** and the ICO is finding it **more difficult to consistently deliver impactful outcomes**.

This has been exacerbated more recently by capacity constraints, driven by being unable to recruit to fill vacancies in 2024/25. These issues have affected the ICO's ability to assess and respond to data complaints in a timely manner, as demonstrated by the shortfall against one of the ICO's key performance indicators which is to 'assess and respond to 80% of data protection complaints within 90 days' (as shown in Table 2). **The ICO was only able to assess and respond to 30% of data protection complaints within 90 days in 2024/25**. This represents

⁴ ICO (2025) Information Commissioner's Annual Report and Financial Statements 2024/25. Available at: <https://ico.org.uk/media2/1wyfliqp/annual-report-2025-ico-v4-1-complete.pdf> (Accessed: 6 August 2025)

⁵ Note, this includes live cases that had not been completed at year-end and usually relates to cases reported to the ICO during the year, but may include a few reported in previous years.

both a significant drop in performance compared to 2023/24 and underperformance relative to the KPI.

Table 2: ICO performance against KPIs 2023/24 and 2024/25

Key Performance Indicators (KPIs)	2022/ 23	2023/ 24	2024/ 25
We will assess and respond to 80% of data protection complaints within 90 days	65.0%	84.8%	30.0%
We will assess and respond to 90% of data protection complaints within 6 months	97.1%	99.7%	98.4%
Fewer than 1% of our data protection complaints caseload will be over 12 months old	0.4%	0.1%	0.1%
The Parliamentary and Health Service Ombudsman (PHSO) does not uphold a complaint about us in 100% of cases	98%	100%	100%

Source: ICO Annual Report 2024 and ICO Annual Report 2025

The increase year-on-year in complaints received has led to delays in addressing data protection harms and dissatisfaction with the service. It is currently taking an average of around 26 weeks for the ICO to provide an outcome. As a result, the ICO has seen a significant rise in requests to expedite cases and an increase in complaints about timeliness⁶. In turn, this takes further resource away from complaint handling and responding to requests for advice from the ICO's live services⁷. **The ICO is concerned that the current approach may not adequately address the needs of individuals with serious concerns.**

⁶ Source: ICO monitoring data and analysis

⁷ Note: live services encompasses the ICO complaints helpline and live chat function in operation for members of the public to seek advice and assistance on their information rights issues between 09:00-17:00 on Mondays – Fridays.

3. Rationale for intervention

This section outlines the rationale for intervention and why the ICO is best placed to solve the problem outlined in Section 2. It covers the policy and legislative context, market failures and data protection harms.

Rationale for intervention:

The combination of policy and legislative context, data protection harms and market failures outlined below have prompted the ICO to determine that action needs to be taken to improve the data protection complaints handling approach. Without intervention, the problem drivers outlined in Section 2 mean that the ICO will be unable to respond to complaints in a timely manner, and risks delays in addressing the needs of individuals with serious concerns. The intervention aims to implement a structured approach for the ICO to exercise its duties to investigate complaints to the extent appropriate and increase transparency regarding how this will be implemented.

3.1. Policy and legislative context

3.1.1. ICO policy

ICO25 is the ICO's current overarching strategic plan⁸. There are four objectives in the strategy, with the most relevant to this intervention being objectives one and four:

- safeguard and empower people; and
- continuously develop the ICO's culture, capability and capacity.

To deliver the first objective, the ICO aims to demonstrate that its work has improved the awareness, understanding and effective use of information rights across society. This can be measured through looking at the ICO's ability to respond in real time to complaints, requests for information and advice and to conduct investigations as efficiently and effectively as possible.

Eight key performance indicators are used to track progress against this aim. Performance against the four indicators most relevant to this

⁸ICO (2022), ICO25 Strategic Plan. Available at: <https://ico.org.uk/about-the-ico/our-information/our-strategies-and-plans/ico25-plan/> (Accessed: 25 July 2025).

intervention is outlined in Table 2 above, which shows that the ICO has fallen behind its target to assess and respond to 80% of data protection complaints within 90 days (having only responded to 30% of data protection complaints within 90 days in 2024/25). Performance against this measure has declined throughout the year (due to the challenges outlined above), demonstrating a need for intervention to improve the ICO's ability to meet this target.

More broadly, the intervention aligns with the ICO's fourth objective to continuously develop the ICO's culture, capability and capacity. The intervention aims to better equip teams to take a consistent approach to determining the extent to which it is appropriate to investigate each data protection complaint received, while providing greater transparency to the public and organisations regarding how decisions are made.

3.1.2. Relevant legislation

UK data protection laws provide data subjects with the right to complain to the ICO about the processing of their personal data, if they think there has been an infringement of their data protection rights. This includes potential infringements of their rights under the UK GDPR, or under Part 3 or Part 4 of the Data Protection Act 2018 (DPA).

The ICO is required to consider a data protection complaint and then investigate to the extent appropriate to the circumstances. In 2023, the Court of Appeal⁹ confirmed that the ICO has broad discretion in deciding the appropriate extent of an investigation, including the form of the outcome.

The Data (Use and Access) Act¹⁰ (which received royal assent on 19 June 2025) places new obligations on data controllers around complaint handling, which are expected to lead to more complaints being resolved by organisations without the need for ICO involvement. The modelling of impacts set out in Section 6 has not accounted for impacts from the Data (Use and Access) Act legislative changes relating to complaints within the cost benefit analysis, as evidence of changes to trends are not yet clear.

⁹ [Delo, R \(On the Application Of\) v The Information Commissioner \(Rev1\) \[2023\] EWCA Civ 1141 \(10 October 2023\)](#) (Accessed 6 August 2025).

¹⁰ Data (Use and Access) Act (HL) Available at: <https://bills.parliament.uk/bills/3825> (Accessed 6 August 2025).

3.2. Market failures

ICO intervention mitigates against potential market failures resulting from a lack of clarity on how complaints are approached and prioritised, and from delivering a less efficient service (in the absence of ICO intervention). This can present as information failures, where individuals are unclear about how the ICO handles data protection complaints which can inhibit their ability to exercise their information rights and decrease trust in the complaints handling service.

Another potential market failure involves the presence of negative externalities. This may present as inefficiently high costs for third parties associated with delays in responding to complaints under the current approach (eg resulting in an increase in MP queries and calls to the ICO's live service with queries).

3.3. Actual or potential harms

The ICO receives a variety of complaints from the public which cover the full spectrum of harms described in the ICO's data protection harm taxonomy¹¹. The harms are wide ranging and can vary between complainants. The ICO currently aims to identify the most serious of complaints on receipt to be prioritised. However, there is no structured approach in place to differentiate between the remaining complaints (which represents the majority of complaints received).

The ICO recognises that by not having the ability to differentiate in a systematic way, this represents a disservice to some people making complaints who have experienced harm.

Intervention in this area will allow the ICO to proportionately focus resources on complaints where the data protection issue has caused, or is likely to cause, a high level of harm, helping to reduce the risk of further data protection harms. It will allow the ICO to maintain its core responsibilities while focusing efforts on the most impactful and significant concerns, to maximise public value.

¹¹ ICO (2022) Overview of Data Protection Harms and the ICO's Taxonomy. Available at: <https://ico.org.uk/media2/about-the-ico/documents/4020144/overview-of-data-protection-harms-and-the-ico-taxonomy-v1-202204.pdf> (Accessed: 25 July 2025).

4. Options appraisal

This section provides an overview of the options for intervention considered in relation to the problem definition in Section 2 and the rationale for intervention identified in Section 3.

Options appraisal:

A longlist of options was qualitatively assessed against five Critical Success Factors (CSFs) which allowed the identification of a viable set of shortlisted options:

- **Option 1, BAU:** the 'business as usual option', where the ICO maintains its current approach, dealing with most complaints on a chronological basis.
- **Option 2, Do minimum:** continuing with the BAU approach, but with new internal guidance about how to approach complaints, alongside work to explore technological solutions to improve efficiency.
- **Option 3, Preferred way forward:** introducing a new framework, which would explain how the ICO will use its discretion to decide the extent appropriate to investigate complaints and have a reporting mechanism in place to monitor complaints, including those recorded for information purposes only. Alongside this, the ICO would also work to explore technological solutions to improve efficiency.
- **Option 4, More ambitious:** implementing the same measures as outlined in the preferred way forward option, with the addition of removing the option of a case review from people whose complaints are recorded for information purposes only and significantly increasing the size of the inbox team.

The shortlisted options were qualitatively assessed in terms of costs, benefits, risks and dependencies. **The preferred way forward outlined above was judged to offer the greatest benefits for affected groups and has been taken forward as the preferred option.**

4.1. Approach to options appraisal

As a whole economy regulator, the ICO's regulatory actions need to work well for people, businesses, and the public sector. This means that the ICO balances a wide range of effects, which often include data protection

harms, investment, innovation and economic growth. Options appraisal is one of the tools the ICO uses to help identify the impacts of potential regulatory interventions and ensure we take a balanced approach. It helps to demonstrate accountability and transparency, through following a structured process to inform decision-making.

Options appraisal has been undertaken in line with the principles set out in the ICO's Impact Assessment Framework¹², which is aligned with central government guidance on how to appraise policies, programmes and projects (as set out in The Green Book¹³).

4.2. Longlist appraisal

A longlist of options was qualitatively assessed against the Critical Success Factors (CSFs) summarised below. These are the attributes that any proposal must have to successfully address the problem statement.

- **Strategic alignment:** how well the option fits with strategic context, objectives, and any other relevant services.
- **Affordability:** how well the option can be financed from available funds - aligns with resourcing constraints.
- **Achievability:** how well the option addresses the problem statement in the required timeframe and to a satisfactory standard (given the level of available skills required for successful delivery).
- **Risk:** the level of risk associated with the option.
- **Impacts:** how well the option optimises social value, in terms of the potential impacts for affected groups.

Options were assigned a red, amber or green (RAG) rating based on the extent to which each option was judged to deliver against each of the CSFs. A table summarising the assessment is provided in Annex A:.

4.3. Shortlisted options and assessment

Options that failed to satisfactorily meet the CSFs were discontinued, allowing the ICO to assemble a viable set of shortlist options (outlined

¹² ICO (2023) The ICO's Impact Assessment Framework. Available at: <https://ico.org.uk/media2/migrated/4027020/ico-impact-assessment-framework.pdf> (Accessed: 3 February 2025).

¹³ HM Treasury (2022) The Green Book. Available at: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020> (Accessed: 3 February 2025).

below) from the possibilities identified, in addition to a business as usual option for use as a benchmark counterfactual.

While two options did not fully satisfy the CSFs in isolation, their ability to deliver strongly against some of the CSFs (eg strong alignment with ICO objectives, ability to deliver a positive impact through enabling a more efficient service for the public and more impactful working for ICO staff) meant that they were taken forward in combination with other options.

This led to four shortlisted options: **BAU** (the 'business as usual' option), **do minimum, preferred way forward, more ambitious**. Detail regarding the scope of each of these options is outlined in the summary at the start of Section 4.

A high-level assessment of the costs, benefits, risks and dependencies associated with each of the options was undertaken. As evidence is limited, a degree of judgement was used to qualitatively assess these factors. The key findings of this review are summarised below.

- **The level of risk was judged to be highest for the more ambitious option:** while this option could potentially do more to streamline the service, the level of risk (in particular, those associated with removing the option of a case review for complaints that the ICO records for information purposes only) and potential costs were high therefore, on balance, this would not be the preferred way forward.
- **For the business-as-usual option, the potential costs outweighed the benefits:** it was judged that this option was not sustainable, would fail to deliver against ICO25 objectives and would not allow sufficient time for staff to delve into cases that are more impactful for wider society.
- **The preferred way forward offers the greatest benefits for affected groups:** the preferred way forward was judged to offer the greatest benefits for affected groups (relative to the other three options). It was noted that a consultation would allow the ICO to gather further evidence of potential risks and impacts to build on the current evidence base and inform a decision regarding the approach taken forward.

Option 3 (the preferred way forward) was identified as the preferred option as it is expected to provide the greatest balance of benefits, costs and risks. Cost-benefit analysis for the preferred option is provided in Section 6.

5. Details of proposed intervention

This section provides an overview of the preferred option for intervention identified in the previous section, its objectives and theory of change.

Proposed intervention:

The ICO is proposing a new approach to data protection complaint handling where each complaint is assessed by case officers against criteria set out in a framework. This will help guide decisions regarding whether to conduct a further investigation and to what extent. The approach aims to deliver faster and more impactful outcomes, particularly for complaints raising the most serious concerns. It supports the ICO's ambition to be a strategic regulator focused on improving information rights practices. Alongside this, the ICO will continue to explore technological solutions to improve efficiency.

5.1. The proposed intervention

The proposed intervention formalises how the ICO will implement its discretion to investigate complaints to the extent appropriate, focusing on where the ICO can have the greatest impact. The proposed intervention includes a framework setting out an approach to complaint-handling, where each complaint received is triaged by case officers against framework criteria, so that the case officer can decide whether:

- the complaint will be recorded for information purposes only; or
- the ICO will write to the organisation with guidance; or
- the complaint requires further investigation and is to be allocated to an appropriate team.

Criteria which may increase the need to investigate further includes whether:

- the data protection issue has caused, or is likely to cause, a high level of harm to anyone;
- the data protection issue has significantly affected, or is likely to affect people who are currently in a vulnerable situation;
- the data protection issue has significantly affected, or is likely to significantly affect, a substantial number of people;
- investigating the data protection complaint further will help the ICO to significantly improve the way the organisation uses personal information or enhance data protection rights;

- the data protection issue relates to the ICO's strategic priorities¹⁴; and
- it is in the public interest for the ICO to make enquiries.

The framework also sets out criteria that may reduce the need to investigate further (eg if the organisation has already addressed the data protection issue and taken appropriate action).

As is currently the case, people would be able to ask the ICO for a case review, which the ICO would consider under existing processes. All complaints would continue to be considered and recorded for information purposes, regardless of their outcome. However, the proposed new model will enable the ICO to actively monitor complaint volumes across specific organisations and sectors through a new reporting mechanism.

The proposed new reporting mechanism aims to strengthen the ICO's ability to identify systemic issues earlier, including those of low or moderate harm. By monitoring complaint trends and sharing insights internally, the ICO could take more timely and targeted regulatory action. This would ensure that the ICO's focus on high-impact individual cases does not come at the expense of addressing broader compliance risk.

Alongside the proposed new approach, the ICO will continue to explore technological solutions internally (eg automation of processes) that could be used to improve efficiency.

5.2. Overarching objectives

The proposed intervention aims to deliver faster and more impactful outcomes, particularly for people whose complaints raise the most serious concerns. It reflects the ICO's ambition to be a strategic regulator – one that considers every complaint, responds proportionately, and uses the insight gained to identify patterns or systemic risks and drive improvements in data protection practices. The key objectives of the proposed intervention would be to enable the ICO:

- to assess complaints consistently and proportionately across the tens of thousands received each year;
- to allocate resources effectively, focusing on the most significant issues and providing timely outcomes; and

¹⁴ ICO (2022), ICO25 Strategic Enduring Objectives. Available at: <https://ico.org.uk/about-the-ico/our-information/our-strategies-and-plans/ico25-strategic-plan/strategic-enduring-objectives/> (Accessed: 25 July 2025).

- to clarify the criteria the ICO considers when deciding how to handle a complaint, including the extent of any investigation.

5.3. Theory of change

This draft impact assessment is underpinned by a theory of change, which sets out the rationale for intervention, anticipated route to impact (outputs and outcomes) and underlying assumptions. The theory of change visual is included in Annex B:.

The key strands of activities outlined in the theory of change include:

- governance, framework and implementation;
- communications and engagement;
- talent and workforce development; and
- guidance and digital.

It is expected that delivering these activities will lead to a range of outcomes and impacts for the affected groups outlined in the following section, and that the delivery of the proposed intervention will help the ICO to achieve the objectives outlined in Section 5.2.

5.4. Affected groups

The main groups expected to be affected by the ICO's proposed complaint handling approach include members of the public who raise data protection complaints to the ICO, organisations, the ICO and the general public/wider society. There are a number of challenges with quantifying the scale of affected groups, including a lack of robust data and evidence. Therefore we have referred to a range of sources outlined below to estimate or provide ranges for the expected scale of the affected groups.

Further details about the expected costs and benefits for each of the affected groups outlined above are provided in Section 6.

5.4.1. Members of the public who raise data protection complaints with the ICO

Any UK data subject has the right to complain to the ICO about the processing of their personal data, if they think there has been an infringement of their data protection rights. The proposed data protection complaints handling approach will directly affect anyone who makes a complaint to the ICO about the processing of their personal data.

As outlined in Section 2.3, the ICO received 42,315 complaints in 2024/25 (the latest full year of data available). To provide a sense of scale of the proportion of the UK population that may be affected by the changes: the total UK population is approximately 68.3 million¹⁵, meaning that complaints were received in 2024/25 from approximately 0.06% of the population (making the simplifying assumption complaints come from unique individuals¹⁶). While it is expected that complaints could rise to around 55,000 in 2025/26, this would still represent less than 0.1% of the UK population.

It is estimated that around 42,315 – 55,000 members of the public could be affected by the new approach (0.06% to 0.08% of the UK population).

5.4.2. Organisations

Organisations stand to gain increased regulatory certainty as a result of the ICO's proposed complaint handling approach, due to the proposed new framework setting out the criteria the ICO would consider when deciding whether to conduct a further investigation and to what extent. The proposed new approach aims to empower organisations to resolve complaints effectively themselves. If they don't, and the issue raises wider concerns or presents a meaningful opportunity for regulatory action, the ICO can intervene.

Organisations may also be affected by the ICO's proposed new reporting mechanism for handling the information collected from complaints. When complaints about an organisation reach a certain threshold, it may trigger a deeper review of that organisation's practices.

Overall, it is expected that the proposed approach will lead to a reduced burden on organisations, with fewer complaints being referred to data controllers unnecessarily (where organisations are contacted, it is more likely to be related to issues that require regulatory attention).

It is challenging to estimate the number of organisations that could be affected in different ways by the proposed new approach. As a maximum, we assume that all data controllers in the UK could be affected.

¹⁵ ONS (2024) UK population mid-year estimate 2023. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/timeseries/ukpop/pop> (Accessed: 7 august 2025).

¹⁶ Note: the ICO does sometimes receive multiple complaints from one individual, but this represents a small proportion of the overall number of complaints.

There are 5.6 million organisations in the UK economy¹⁷, of which c.5.5 million are private sector organisations (98.2%), c.12,600 are central and local government and (0.2%) c.88,800 are non-profit organisations (1.6%).

Data from the Department for Science, Innovation and Technology¹⁸ indicates that 58% of UK businesses handled digitised personal data other than employee data in 2024. Applying this estimate to the private sector organisations outlined above provides an estimated number of private sector organisations that are data controllers. This adjustment was not applied to charities or public sector organisations as there is no data available on them specifically. Therefore, we conservatively assume all central and local government and non-profit organisations could be affected.

Based on the analysis outlined above, we estimate there to be 3.3 million data controllers in the UK economy. This represents the maximum number of organisations that could be affected by the new approach.

5.4.3. The ICO

Staff at the ICO stand to be affected in a range of ways by the proposed new approach (see Table 3 in Section 6.3 for further detail).

For existing staff, potential costs include the upfront resource required to explore and develop new technological solutions and set up reporting systems for monitoring, staff time required to attend training and understand the new approach, and the risk of increased information requests and further legal challenge. There are a range of potential benefits such as upskilling staff and the ability to allocate resources more effectively and efficiently. As such, the proposed approach is expected to affect a range of staff from across the ICO.

The latest ICO Annual Report indicates that an average of 1,029.1 full-time equivalent (FTE) people were employed at the ICO in 2024/25.

We estimate that the proposed new approach could affect up to 1,029.1

¹⁷ DBT (2024) Business population estimates 2024. Available at: [Business population estimates 2024 - GOV.UK](#) (Accessed 7 August 2025).

¹⁸ DSIT (2024) UK Business Data Survey 2024. Available at: [UK Business Data Survey 2024 - GOV.UK](#) (Accessed 7 August 2025).

FTE staff working at the ICO.

5.4.4. The general public / UK wider society

The proposed new approach is expected to affect wider society from increasing understanding of information rights resulting in increased trust in the ICO's data protection complaint handling service, a reduction in potential data protection harms and in the societal costs associated with organisational non-compliance. In terms of costs, there is the potential for increased criticism for not investigating all complaints further.

The entire UK population could be considered as those affected in wider society. This equates to approximately 68.3 million¹⁹ people.

¹⁹ ONS (2024) UK population mid-year estimate 2023. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/timeseries/ukpop/pop> (Accessed: 7 august 2025).

6. Cost-benefit analysis

This section sets out our initial assessment of the potential costs and benefits of the ICO's proposed data protection complaint handling approach. It is important to note that:

- We have provided a high-level outline of the potential impacts of the proposed data protection complaint handling approach, based on an initial overview of considerations. This is not intended to provide an exhaustive assessment of impacts.
- We expect to develop this further as we move towards publication of the final data protection complaint handling approach.

We are seeking feedback on this draft assessment, in addition to any wider insights that stakeholders may be able to provide on impacts. This will allow us to iterate our impact assessment further to help inform our final data protection complaint handling approach.

Overall assessment:

There is limited quantitative data available, and the analysis relies heavily on qualitative information which increases the uncertainty of the assessment. Bearing in mind these caveats, our assessment suggests that the benefits of the proposed intervention (introducing a new framework and processes, alongside exploring technological solutions) are likely to outweigh the costs. Key impacts include an increase in the number of cases that could be closed during the year, increased levels of satisfaction with the service resulting from more consistent and timely engagement, a potential cost saving for the ICO and a reduction in potential data protection harms.

6.1. Identifying impacts

In identifying the potential impacts of the proposed intervention, it is important to distinguish between:

- Impacts that can be attributed to the proposed new data protection complaint handling approach: these are affected by how the ICO chooses to exercise its discretion in determining the extent to which it is appropriate to investigate each complaint that the ICO receives.
- Impacts that are not attributable to the proposed approach: these are impacts that simply arise from the existing legislative

requirements that the ICO and data controllers are already expected to comply with.

For the purposes of the impact assessment, we are interested in impacts that are attributable to the proposed approach. This is known as the 'additionality' of our intervention. Additionality can take a number of forms and may include the realisation of impacts at an earlier stage or to a higher scale or standard than would have been the case without intervention. At this stage, our impact assessment primarily draws on qualitative evidence, though we have drawn on quantitative evidence where available to substantiate and measure potential impacts.

6.2. Counterfactual

The counterfactual is a term used to describe what would happen in the absence of the ICO's proposed intervention. We consider this as the continuation of current arrangements, if the proposed intervention were not implemented. Measuring this baseline counterfactual scenario allows us to measure the additionality of introducing the proposed preferred intervention including the data protection complaints framework.

We can use the 'business as usual' option as a benchmark counterfactual for the intervention. Under this option, the ICO would maintain its current approach, dealing with most cases on a chronological basis (expediting cases only where there is obvious harm being caused). Business as usual does not mean doing nothing, because continuing with current arrangements will have consequences and require action resulting in costs.

6.3. Costs and benefits

Table 3 gives an overview of the impacts on affected groups, and provides estimates of the scale of each of the affected groups (drawing on the analysis outlined in section 5.4).

As noted at the outset, we will develop our analysis further as we move towards publication of the final agreed approach, based on information and feedback received through the consultation process.

Table 3: Summary of potential impacts

Affected groups	Benefits	Costs	Potential scale of affected group
Members of the public who raise data protection complaints with the ICO	<ul style="list-style-type: none"> Increased clarity regarding the ICO's approach to handling data protection complaints and improved ability to exercise data protection rights. Can expect to receive a more efficient service, with clearer, faster outcomes. Where cases are to be investigated further, ICO staff will have increased time available to engage. Increased level of satisfaction with the service overall, as a result of more consistent and timely engagement. 	<ul style="list-style-type: none"> Some level of dissatisfaction from those whose complaints are not investigated further (where the ICO concludes that it does not need to make further enquiries or contact the organisation). There may be additional costs incurred where those whose complaints are not investigated further decide to undertake action in a private capacity (eg through courts). 	c.42,315 – c.55,000 people (0.06% to 0.08% of the UK population)
Organisations	<ul style="list-style-type: none"> Increased clarity and regulatory certainty regarding the ICO's approach to handling data protection complaints. Reduced burden on organisations, with fewer complaints being referred to data controllers unnecessarily (where 	<ul style="list-style-type: none"> Lack of knowledge of volumes or details of all complaints received by the ICO about their organisation. 	Up to 3.3 million data controllers (including public, private

organisations are contacted, it is more likely to be related to issues that require regulatory attention).

- Increased opportunity to focus on more serious concerns.
- More meaningful engagement from the ICO.

and non-profit)

The ICO	<ul style="list-style-type: none"> • More manageable caseloads and increased ability to sustain workloads meaning the ICO is less reliant on recruitment to manage the increased demand for services. • Ability to allocate resources more effectively and efficiently, focusing on the most significant issues and providing more timely outcomes. • Staff will be upskilled, in line with the ICO's strategic objective to continuously develop the ICO's culture, capability and capacity²⁰. • Better understanding of, and a consistent application of, criteria 	<ul style="list-style-type: none"> • Upfront resource required to explore and develop new technological solutions, set up reporting system for monitoring complaints, develop internal training materials and external materials regarding the new framework. • Staff time required to attend training and understand new processes and approach to trend analysis. 	Up to 1,029.1 FTE staff working at the ICO
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²⁰ICO (2022), ICO25 Strategic Plan. Available at: <https://ico.org.uk/about-the-ico/our-information/our-strategies-and-plans/ico25-plan/> (Accessed: 25 July 2025).

	<p>identifying which complaints the ICO can best support with.</p> <ul style="list-style-type: none"> • Better able to address data protection harms. • Better insight and intelligence by enabling more robust trend analysis across complaints data. This will support more strategic decision-making, allowing the ICO to identify emerging issues earlier and take targeted action. 	<ul style="list-style-type: none"> • Risk of increased information requests and further legal challenge (which could increase resource required from the ICO). 	
General public/ wider society	<ul style="list-style-type: none"> • Increased clarity and transparency regarding ICO approach to complaints handling. • Wider understanding of information rights and increased trust in the ICO's data protection complaint handling service. • Reduction in potential data protection harms. • Reduction in societal costs associated with organisational non-compliance. 	<ul style="list-style-type: none"> • Potential for increased criticism for not investigating all complaints further. 	Up to c.68.3 million people

Source: ICO analysis.

6.3.1. Initial assessment of impact

Quantification in relation to the scale of affected groups is provided in Section 5.4, while an initial assessment of impacts is provided below. Quantification of the costs and benefits has not been fully possible at this stage, as evidence gaps and proportionality considerations have prevented a more comprehensive assessment.

As the ICO is still exploring potential technological solutions (eg automation of some processes), it is not yet possible to quantify the impact associated with these, which are expected to accrue over a longer time period.

However, several of the impacts outlined above derive from **the ICO being able to allocate resources more effectively and efficiently**, focusing on the most significant issues and providing more timely outcomes. For example, this is likely to mean that the ICO staff will have increased time available to engage further with those raising serious complaints and increased ability to engage more meaningfully with organisations that are the subject of complaints that are investigated further, leading to increased regulatory certainty.

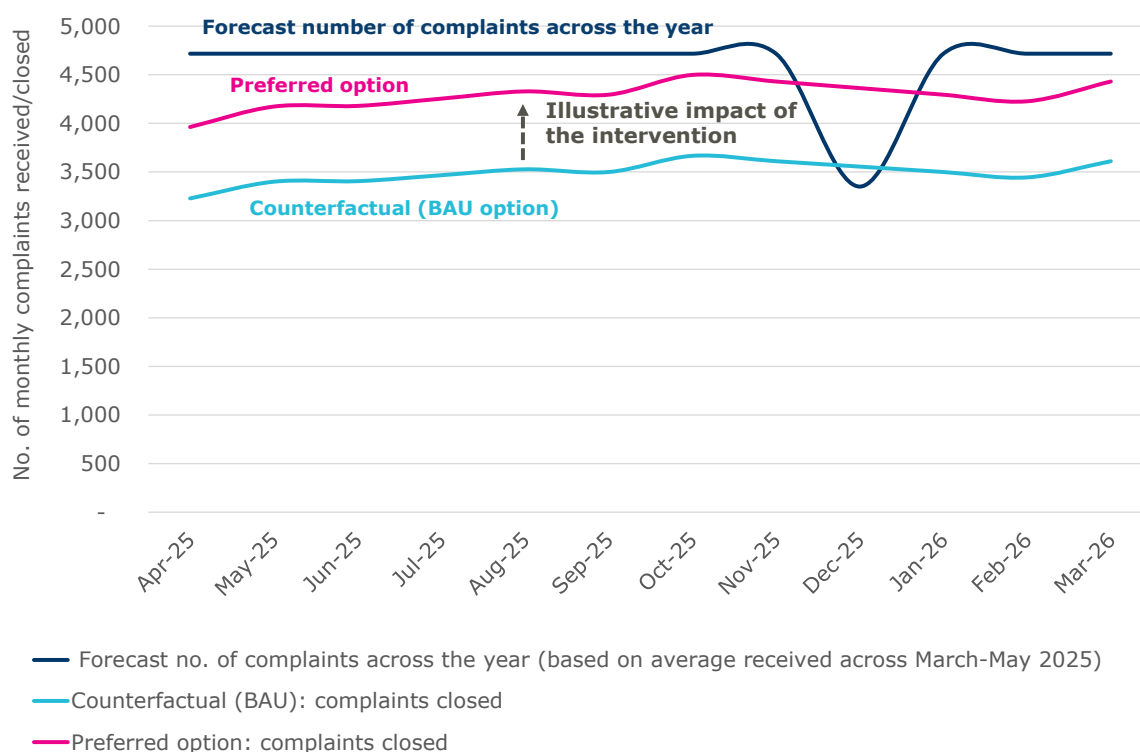
This is expected to enable the ICO to **provide more timely and impactful outcomes** for complaints relating to data protection issues that have caused (or are likely to cause) a high level of harm. This is expected to **lead to a reduction in data protection harms**.

It is forecast that the ICO will receive around 55,000 complaints in 2025/26, which represents an estimated c.4,600 per month. Initial modelling has been completed based on how many complaints could have been resolved across this financial year, had the proposed new data protection complaints handling approach been in place (the preferred option), compared to what is expected this year based on the current approach (the business as usual option).

It is estimated that under the counterfactual scenario (the business as usual option), the ICO will be able to close an estimated 41,900 of the forecast cases across the financial year. Under the preferred option, it is estimated that the ICO could have closed 51,400 of the cases. The difference between the two figures represents **the additional impact of the preferred option, a 23% increase in the number of cases closed during the year, which would narrow the gap between the**

number of cases received and closed in-year. This is illustrated in Figure 1 below.

Figure 1: Illustrative impact of preferred option on the number of complaints closed, had the new approach been in place this year



Source: ICO analysis. Note: a 21% drop in complaints has been forecast in December 2025, based on trends in recent years.

As stated in in Sections 216.1 and 6.2, we are interested in impacts that are attributable to the proposed approach, rather than those that would have happened in the absence of regulatory intervention – a concept known as ‘additionality’. Additionality can take a number of forms and may include the realisation of impacts at an earlier stage or to a higher scale or standard than would have been the case without intervention.

Under the counterfactual scenario (without intervention), the ICO would need to hire additional staff to close the same number of complaints as under the preferred option. It is estimated that the ICO would require **an additional 29 FTE staff**²¹ to close the same number of complaints as forecast under the preferred option. This represents a **potential cost**

²¹ Note, a small number of management staff would also be required to manage these additional members of staff which has not been factored into the estimates.

saving for the ICO. This will be explored further within the final impact assessment, following the consultation.

While there are expected costs for members of the public who raise data protection complaints (eg some level of dissatisfaction from those whose complaints are not investigated further and potential costs for those who wish to undertake action in a private capacity), it is expected that there will be an overall increase in the level of satisfaction with the service as a result of more consistent and timely engagement.

The proposed new approach is expected to directly affect a small proportion of the UK population that make complaints (c.0.06%). However, more broadly it is expected that wider society stands to gain from improved understanding of information rights, reduction in data protection harms (as outlined above) and a reduction in the societal costs associated with non-compliance.

For both the ICO and organisations, the potential benefits (eg the ability to upskill staff, potential cost savings, ability to take more strategic decisions in relation to complaints, increased regulatory certainty, more meaningful engagement and reduced burden on organisations) are also expected to outweigh the costs outlined above.

Therefore overall, **it is expected that the benefits of the preferred approach will outweigh the costs.**

6.3.2. Key assumptions

The impact figures outlined above are underpinned by the following assumptions:

- under the counterfactual scenario (the business as usual option), we have assumed that the same level of complaints will be closed per FTE per month throughout the year as was achieved in March-May 2025;
- the modelling has not accounted for impacts from the Data (Use and Access) Act legislative changes relating to complaints within the cost benefit analysis, as evidence of changes to trends are not yet clear;
- forecast staff levels draw on known information about the number of staff in place and expected to be taken on in the year, including an assumed attrition rate based on historical figures and adjustments to account for time taken to train new staff;
- the forecast number of complaints for 2025/26 draws on the average intake between March-May 2025. Given that live figures

suggest that the number of complaints has risen further in June and July 2025, this is expected to be a conservative estimate of the total number of complaints received during the year; and

- the estimated closure rate under the preferred option draws on a range of assumptions including figures achieved during testing, experience of handling different types of complaints and forecast complaints. It accounts for efficiencies from not investigating complaints further (where they meet the criteria in the framework which reduces the need to investigate further) and additional time expected to be dedicated towards addressing complaints that meet the criteria for investigating further, to deliver more impactful outcomes.

7. Monitoring and review

When finalising the proposed intervention post-consultation, we will consider monitoring and review processes. In line with the organisational standards set out in our Ex-Post Impact Framework,²² we will look to put in place an appropriate and proportionate review approach. This will follow best practice and align with our organisational reporting and measurement against ICO25 objectives. For example, this could include:

- feedback from members of the public that have made complaints under the new framework and level of satisfaction with the service following its implementation;
- continuing to review performance against key performance indicators and report on this on a quarterly basis, to understand whether the new approach is enabling any improvements; and
- internal monitoring of complaints received, closed, and how many complaints are recorded for information purposes only or investigated further.

²² ICO (2024) Ex-Post Impact Framework. Available at: [ex-post-impact-framework_sept24_v1.pdf](#) (Accessed: 29 July 2025).

Annex A: Longlist appraisal framework

The ICO economic function facilitated a two-part options appraisal workshop with internal staff in February 2025, following a structured process for considering options for addressing the problem statement set out in Section 2. Table 4 outlines the outcome of the RAG-rating exercise, summarising the discussion held. As noted in the main body of this document, a degree of judgement was used to score options against each of these factors. Accordingly, the assessment should be viewed as indicative rather than a robust options appraisal.

Table 4: Assessment of options

Option	Strategic alignment	Affordability	Achievability	Risk	Impacts	Outcome
1: Business as usual.	Less attractive	Meets CSF	Does not meet CSF	Less attractive	Does not meet CSF	Carried forward
2: Reduce live service offering.	Does not meet CSF	Meets CSF	Less attractive	Less attractive	Less attractive	Dropped
3: Refuse complaints without supporting evidence.	Does not meet CSF	Meets CSF	Less attractive	Does not meet CSF	Does not meet CSF	Dropped
4: BAU with new internal guidance about how to approach cases.	Meets CSF	Less attractive	Less attractive	Less attractive	Less attractive	Carried forward
5: Reintroducing accountability approach ²³ .	Meets CSF	Less attractive	Meets CSF	Does not meet CSF	Does not meet CSF	Dropped

²³ Note: this refers to an approach that was used to package complaints received to the ICO and pass to the organisation to resolve.

6: Triage process, explain how we will use our discretion to prioritise cases, with reporting mechanism in place to monitor complaints.	Meets CSF	Less attractive	Meets CSF	Less attractive	Meets CSF	Preferred way forward
7: Same as 6 but removing the option of a case review for complaints recorded for information purposes only.	Meets CSF	Less attractive	Less attractive	Less attractive	Less attractive	Carried forward
8: Exploring technological solutions.	Meets CSF	Meets CSF	Less attractive	Less attractive	Meets CSF	Carried forward ²⁴
9: Increasing size of the inbox team.	Meets CSF	Less attractive	Less attractive	Less attractive	Less attractive	Carried forward ²⁵
10: Seeking assistance from other parts of the organisation.	Less attractive	Less attractive	Does not meet CSF	Less attractive	Less attractive	Dropped

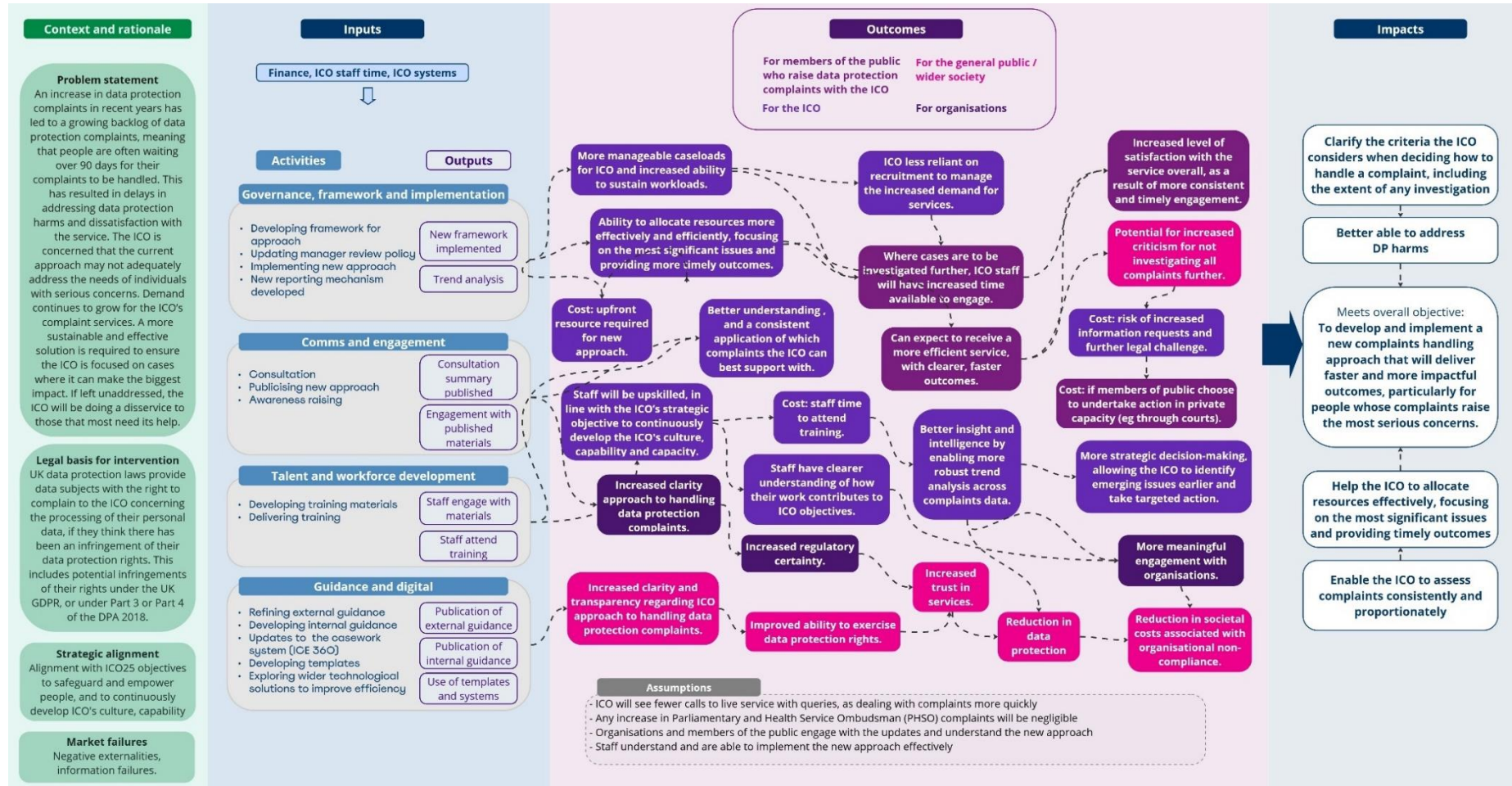
Source: ICO analysis.

²⁴ Note: this option was carried forward, but participants noted that it may not fully address the problem statement in isolation (uncertainties regarding timescales and solution), therefore it was agreed to carry it forward in combination with other options.

²⁵ Note: this option was carried forward, but participants noted that it may not fully address problem statement in isolation (uncertainties regarding timescales and solution), therefore it was decided that it would be carried forward only in combination with other options.

Annex B: Theory of Change

Figure 2: ICO complaint handling approach Theory of Change



Source: ICO analysis.