

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 14 March 2023

**Public Authority:** HM Revenue & Customs  
**Address:** 100 Parliament St  
London  
SW1A 2BQ

#### **Decision (including any steps ordered)**

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1. The complainant requested information about the highest value Independent Savings Account (ISA) in the UK. HM Revenue & Customs (HMRC) relied on section 44(1) of the FOIA (statutory prohibition on disclosure) to withhold the information. The Commissioner's decision is that HMRC has correctly relied upon section 44 of the FOIA. The Commissioner does not require any steps to be taken.

#### **Request and response**

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2. On 19 October 2021 the complainant wrote to HMRC and requested information in the following terms:  
"The number of individuals who have over (or equal to) £1m in ISAs, broken down by:
  - A geographical spread (region)
  - Age
  - Gender profileThe largest ISA".
3. HMRC responded on 17 November 2021 and confirmed that there were around 2,000 ISAs which had over (or equal) to £1m. In terms of a breakdown of the geographical region, age, and gender of account holders, HMRC stated that it considered section 12(1) to apply, as compliance with the request would exceed the appropriate limit. In

relation to the last part of the request for the largest ISA, HMRC stated that the information was exempt under section 44(1) of the FOIA as the information was prohibited from disclosure under section 23(1) of the Commissioners for Revenue and Customs Act 2005 (CRCA).

4. On 14 December 2021 the complainant requested an internal review specifically in relation to the last part of their request for the highest value ISA.
5. HMRC provided the outcome of its internal review on 17 January 2022 and upheld its position that section 44 applied to this part of the request.
6. On 20 December 2022 the complainant wrote to HMRC and referred to the earlier request they submitted in 2021. The complainant asked HMRC whether its position had changed in relation to their request for "the size of the country's largest ISA".
7. HMRC responded on 20 December 2022 and confirmed that its position remained unchanged from its internal review dated 17 January 2022.

### **Reasons for decision**

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8. The following analysis sets out why the Commissioner has concluded that the public authority was entitled to rely on section 44 of FOIA in this particular case.
9. Section 44 of FOIA allows a public authority to withhold information whose disclosure, otherwise than under FOIA, would breach another piece of legislation.
10. The Commissioner has previously agreed that disclosure of information relating to the tax affairs of a particular person (where the term "person" refers not just to living individuals but also companies or charitable trusts) will breach CRCA in circumstances where the person is identifiable, either directly from the information or indirectly from other sources.
11. The Commissioner is satisfied that the requested information in this case is held by HMRC in connection with its function of assessing and collecting tax. Therefore the information falls under section 18 of the CRCA and is prohibited from disclosure.
12. The Commissioner must now consider if disclosure would, as section 23(1) of the CRCA states, identify the person or persons to whom the information relates. If this is not the case then section 18 of the CRCA

and by extension, section 23(1) of the CRCA and section 44(1)(a) of FOIA cannot be engaged.

13. In correspondence with the Commissioner, HMRC confirmed that it considers the provisions of section 23(1)(b) of the CRCA applies in this case, ie that disclosure would enable the identity of such a person to be deduced.
14. HMRC acknowledges that the complainant in this case is unlikely to be able to identify the individual with the highest value ISA through disclosure of just the financial amount. However, HMRC pointed out that the account holder would be able to identify themselves from disclosure of the value of their ISA. In addition, HMRC considers it probable that bank staff where the ISA is held would be able to identify the individual concerned and possibly friends and family of the account holder.
15. HMRC added that "there can only be one 'largest ISA' so anybody who recognises an individual who holds an ISA with the value released would be able to identify the individual as the subject of the information. The prohibition under CRCA makes no distinctions depending on who is able to identify the individual, if the individual is identifiable in any way section 23(1)(b) applies and the exemption is engaged".
16. Whilst the Commissioner has not seen the withheld information, based on HMRC's representations, he accepts that disclosure of the value of the highest ISA in the UK would enable the identification of the person who is the account holder.
17. Usually when considering identification, the Commissioner takes into account whether an individual could learn anything new about the data subject from disclosure. Even though disclosure may only confirm what any individual capable of identifying the account holder already knows, for example, the account holder themselves or anyone working in the bank where the account is held, section 23(1)(b) of the CRCA is clear - if the identity of the individual to whom the information relates can be deduced, it is exempt.
18. Since the Commissioner is satisfied that an individual could be identified from the requested information, section 23(1)(b) of the CRCA is engaged and, by extension, the information is exempt from disclosure in accordance with section 44(1)(a) of FOIA.

## Right of appeal

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19. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Joanne Edwards**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**