Information Commissioner's Office

How the Information Commissioner's Office selects authorities for monitoring

The Information Commissioner's Office (ICO) recognises that there are a number of reasons why authorities' may be unable to achieve full compliance with the requirements of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the associated Codes of Practice. The ICO must try to assess compliance in a way which allows us to deploy resource effectively, by focussing on what appear to be the more serious or repeated examples of poor performance. We have specifically targeted timeliness as this is an area of compliance which is regularly shown to be problematic.

In monitoring authorities' timeliness the ICO's Complaints Resolution Team has adopted some general 'rules of thumb' which will be used to direct attention towards those authorities experiencing the most difficulty. The ICO is may contact authorities if:

- our analysis of complaints received by the ICO suggests that we have received three or more complaints citing delays within a specific authority within a six month period

- (for those authorities which publish data on timeliness) – it appears that less than 85% of requests are receiving a response within the appropriate timescales.

- Evidence of a possible problem in the media or other external sources.

Whilst the ICO cannot condone breaches of the legislation we regulate, we will be proportionate in our approach. During the monitoring we will seek to determine authorities' reasons for failing to meet the requirements of the legislation; the progress demonstrated since the Complaints Resolution Team's intervention; and the overall commitment to improvement before deciding whether to take action. The process of monitoring is therefore an opportunity for the authorities concerned to demonstrate that the requirements of the legislation are taken seriously.

Unless exceptional circumstances should arise, the ICO intends to monitor each authority for a period of three months. However we may take action in advance of this timeframe if an authority's standard of compliance is

revealed to be particularly poor, or if it is unwilling to make the improvements necessary.

Details of the action the ICO may take in the event that monitoring fails to encourage a sufficient improvement can be found in the Freedom of information regulatory action policy.

The ICO's approach to monitoring authorities' timeliness will be kept under review in light of our experiences.