

ICO Disclosure Log – Response IRQ0580237

Dear Sir

I am writing in response to your information request, submitted on 28 April 2015. You cited sections from the ICO 'Time limits for compliance under the Freedom of Information Act (Section 10)' guidance and from the Subject Access Code of Practice, and you have requested:

"Why do you treat 'promptly' in FOI different from 'promptly' in SAR? (This is a FoI request)"

This is firstly a question, or a request for advice and I would just like to clarify that questions or requests for advice can only be dealt with under the Freedom of Information Act 2000 (FOIA) to the extent that the public authority holds information which answers the question submitted.

We have searched our records and have not located any information which records *'Why [the ICO] treats 'promptly' in FOI different from 'promptly' in [the Data Protection Act]'*. Our formal response under FOIA is therefore that we do not hold the information described in your request. We would, however, like to take this opportunity to address your point.

Having considered your request, we have come to the view that any differences to the text in the guidance you cite are superficial rather than of any real substance, and simply reflect the fact that they were drafted by different people at different times, about different legislation, hence are not identically worded.

Although the promptness reference is explained in slightly different terms in our data protection and freedom of information guidance we do not consider that there is any difference in the position we take. Both are explained as being 'long-stop' provisions, indicating that 20 or 40 working days is the maximum amount of time that can be taken to respond. The FOI guidance states that public authorities will need to be able account for or justify the length of

time taken to comply and the DPA guidance states that SARs need to be dealt with both within 40 days and *without unreasonable delay*. This goes to the same point, that the time taken to respond has to be reasonable/justifiable as well as within 20/40 days in order for the response to be considered as prompt.

This concludes our response to your request. I hope this is of help to you.

Yours sincerely

Steven Dickinson
Lead Information Access Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 01625 545676 F. 01625 524510 ico.org.uk twitter.com/iconews

Please consider the environment before printing this email

If you are dissatisfied with the response you have received under FOIA and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access team at the address above or e-mail accessicoinformation@ico.org.uk

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please write to the Customer Contact department, at the address above or visit the 'Complaints' section of our website to make a Freedom of Information Act or Environmental Information Regulations complaint online.

A copy of our review procedure is available [here](#).