ICO Disclosure Log – Response IRQ0741386

Request

In your email you asked:

"1. How many FOI and EIR requests has the ICO received in each calendar year since 2008? Please provide an annual breakdown.

2. How many Subject Access Requests has the ICO received in each calendar year since 2008? Please provide an annual breakdown.

3. How many FOI and EIR requests has the ICO complied with in each calendar year since 2008 within the statutory timescale of 20 working days? Please provide an annual breakdown.

4. How many Subject Access requests has the ICO complied with in each calendar year since 2008 within the statutory timescale of 40 days? Please provide an annual breakdown.

5. How many FOI and EIR internal reviews has the ICO had in each calendar year since 2008. Please provide an annual breakdown.

6. Please provide in a table format the summary of the outcome of the internal reviews referred to above.

7. Who conducts internal reviews for the ICO and what is their position in the team? A team structure chart with Job titles and salary grades is sufficient.

8. How many FOI and EIR complaints about the ICO that you are aware off have been referred to the Information Commissioners's Office since 2008?

9. Do you have an internal review policy and or procedure? If so please provide me with a copy"

Our response

Please find our response below to each part of your information request.

"1. How many FOI and EIR requests has the ICO received in each calendar year since 2008? Please provide an annual breakdown."

And:

"2. How many Subject Access Requests has the ICO received in each calendar year since 2008? Please provide an annual breakdown."

I can confirm that we hold some information that falls within the scope of parts 1 and 2 of your request in respect of information requests the ICO has received under the right of subject access under the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

I can confirm that we do not hold breakdowns of information requests received by legislation and calendar year for every year falling within the scope of your request.

We do hold information from statistical collations we have made in respect of the information requests we have handled. However, the kind of information we have collated has changed over time.

As a result, and in response to this part of your request, I can confirm that we do hold the following:

For information regarding information requests that we received between January 2008 and March 2015 we hold historic information regarding the total number of information requests received by each month. We are able to disclose this information in response to your request. Please find attached a CSV file entitled "IRQ0741386 Disclosure 1 - Jan 08-Mar 15 Requests". We have provided monthly figures so as to assist you in calculating the annual, calendar year totals you seek.

For the period April 2015 – February 2018 I can confirm that we do hold information regarding the number of FOIA, EIR and subject access requests made to the ICO by month and by legislation.

We hold this information as recorded for the financial years 2015/16, 2016/17 and 2017/18. Once again, by providing it to you in its monthly breakdown you will be able to calculate the relevant calendar year totals. Please find attached a CSV file entitled "IRQ0741386 Disclosure 2 - Apr 15-Feb 18 Requests".

Finally, I can direct you to links to our annual reports for the financial years covering the time period you have requested information regarding.

The latest versions of our reports provide breakdowns of requests received by legislation, but this is by financial year rather than calendar year. The reports for the years 2007/08 and 2008/09 provide only a total for the number of requests received and no further breakdown, nevertheless they may still be of interest.

I have also provided the page number of the part of the report that covers our statistics regarding responses to information requests:

ICO annual report 2007/08 (page 45)
ICO annual report 2008/09 (page 53)
ICO annual report 2009/10 (page 50)
ICO annual report 2010/11 (page 46)
ICO annual report 2011/12 (page 45)
ICO annual report 2012/13 (page 44)
ICO annual report 2013/14 (page 35)
ICO annual report 2014/15 (page 36)
ICO annual report 2015/16 (page 39)
ICO annual report 2016/17 (page 26)

3. How many FOI and EIR requests has the ICO complied with in each calendar year since 2008 within the statutory timescale of 20 working days? Please provide an annual breakdown.

And:

4. How many Subject Access requests has the ICO complied with in each calendar year since 2008 within the statutory timescale of 40 days? Please provide an annual breakdown.

Regarding these parts of your request I can confirm that no annual breakdowns are held regarding the number of requests we have responded to since 2008 within the time for compliance with FOIA, EIR or subject access.

However I can confirm that we hold information regarding the number of requests we have responded to later than the relevant statutory deadline. I can therefore provide a breakdown of the numbers of requests, broken down by month and legislation, where our response was later than the statutory time limit for each month dating back to April 2013. This is attached under a CSV file entitled "IRQ0741386 Disclosure 3 – late responses".

Please note that the categorisation "hybrid" refers to information requests we have received in which the information being considered for disclosure necessitates the request being handled according to the provisions of more than one piece of legislation.

5. How many FOI and EIR internal reviews has the ICO had in each calendar year since 2008. Please provide an annual breakdown.

I can confirm that no annual breakdown by calendar year of the number of internal reviews we have conducted in each year by legislation is held. I can also confirm that the information we hold only dates back as far as April 2013.

Nevertheless we can provide a monthly breakdown of the total number of internal reviews we have handled dating back to April 2013. Please find this attached under a CSV file entitled "IRQ0741386 Disclosure 4 – internal reviews".

6. Please provide in a table format the summary of the outcome of the internal reviews referred to above.

I can confirm that we hold some information regarding the outcome of internal reviews between 2007/08 and 2016/17. However, this information has been provided in the annual reports referred to above. It is therefore withheld pursuant to section 21 of the FOIA as the information is available by other means.

The information for financial years 2017/18 and 2018/19 which falls within the scope of your request is withheld pursuant to section 22 of the FOIA as it is held for future publication. More information on these exemptions is provided below.

7. Who conducts internal reviews for the ICO and what is their position in the team? A team structure chart with Job titles and salary grades is sufficient.

The conducting of internal reviews of information requests is not limited to members of the Information Access Team. Our process for handling reviews requires that they not be handled by anyone who dealt with the original decision. Requests for reviews are therefore referred to someone with the appropriate level of seniority and expertise on a case-by-case basis.

We do hold a list of staff we typically approach to conduct internal reviews, and the job titles of those staff are as follows:

Head of Assurance

Head of Customer Contact
Head of Data Protection Complaints
Head of Enforcement
Head of FOI Complaints
Head of Parliamentary and Government Affairs
Head of Policy and Engagement
Head of Risk and Governance
Principal Adviser, FOI Complaints Management
Group Manager, Policy and Engagement Projects
Group Manager, Records and Information Management
Information Access Service Manager
Information Access Service Manager

Although no structure chart is held regarding the Information Access Team I can confirm the job titles, levels and salaries at the time we received your request:

Information Access Service Manager (Level E) x 2 FTE
Senior Information Access Officer (Level E) x 2 FTE
Lead Information Access Officer (Level D) x 7.6 FTE, with another Lead Information Access Officer (1.0 FTE) on secondment to another part of our organisation.

The salary grades for these levels are contained in the table below.

	Entry rate from 1 April 2018	**Maximum from 1 April 2018**	**Entry rate 2017/18**	**Range maximum 2017/18**
Level D	£26,503	£34,142	£24,769	£31,908
Level E	£33,586	£43,258	£31,389	£40,428

8. How many FOI and EIR complaints about the ICO that you are aware off have been referred to the Information Commissioners's Office since 2008?

We have been able to search the information we hold as the Regulator of both FOIA and EIR to confirm we hold casework information in respect of complaints made about the ICO's responses to FOIA and EIR requests.

I can confirm we hold information within our casework management system regarding thirty complaints about responses under the FOIA, and no complaints about responses under the EIR, where the

submitted about party is the 'Information Commissioner's Office (ICO)' created since 2008.

However, please note that our retention schedule means that closed cases are reviewed for deletion two years after the final correspondence regarding it is received.

This means that the information we hold about cases completed prior to April 2016 will not be an accurate reflection of the number of complaints the ICO will have considered, in its capacity as Regulator, in that timeframe. We only hold complete data in our casework management system for the period since April 2016.

As a result, for the period between April 2016 and the date we received your request I can therefore confirm we hold twenty of the above referenced complaints, with a further ten complaints still held for the period between January 2008 and March 2016.

9. Do you have an internal review policy and or procedure? If so please provide me with a copy"

We do hold this information and a link to our internal review procedure is provided in the final paragraph below. You may also be interested in seeing our service guide which provides information to staff regarding the procedure for setting up review cases in our casework management system.

FOIA sections 21 and 22

Some of the information falling within the scope of your request is exempt pursuant to the provisions of section 21 of the FOIA.

Section 21(1) of the Act states that:

"Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information."

We find that some of the information you have requested is contained within our annual reports, remains in the public domain, and is therefore subject to this exemption.

For information we hold regarding the outcome of internal reviews which has not already been published, I can confirm that it is our intention to publish the information we hold in our annual reports for 2017/18 and 2018/19.

This means the information we hold falls under the exemption at

section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."

In this case, we find that the exemption applies because it is information we will publish in due course. The exemption at section 22 is not absolute and must be qualified by a public interest test. This assesses whether the public interest favours disclosure or maintenance of the exemption.

In this case we find that the public interest in disclosure relates to transparency regarding the conduct of the ICO in respect of its compliance with legislation it oversees which disclosure would support.

And we find that the public interest in withholding the information is that the ICO has a history of publishing this information on a regular basis and has committed to publishing a report which will include the relevant information in the near future. We also consider that early disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

If it is of interest, my understanding is that our annual reports are typically published at the beginning of July.

This concludes our response to your information request.