

**Date:** 4 July 2023

Dear [REDACTED]

### **Review of response to information request**

I write further to your email of 27 June 2023 in which you requested a review of the handling of your request dealt with under the reference number IC-237149-J1W6.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result we have conducted an internal review of our response to your information request. I am a Senior Information Access Officer in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

### **Request and response**

On 8 June 2023 we received a request from you which sought the following information:

*"When did the ICO contract with Brightwave (owned by Capita I believe) end and who replaced them? How much was contract worth per year?"*

On 15 June 2023 we responded by advising you that we do not hold any information about a contract between Brightwave and the ICO.

You requested an internal review. You referred to the ICO staff privacy notice where Brightwave are mentioned and you ask whether it is the staff privacy notice or our response to you which a 'lie'.

## **Review**

When establishing whether we hold information in scope of a request, an access officer will either consult a relevant system where such information is held or consult with the team or teams who are most likely to hold relevant information. In the present case, the access officer contacted our procurement team, who are responsible for the management of our contracts and I agree that they were the most appropriate team to consult.

Our procurement team advised that following their searches, they could not find any held records concerning a contract between Brightwave and the ICO. The access officer wrote to you on 15 June to confirm the same to you.

There are many reasons why we may not hold information in scope of a request, including that the information was never held because it never existed or that it has been deleted in line with our [retention and disposal schedule](#). However, the question of whether we actually hold the information sought is a binary matter of fact; we either do or we do not. The officer confirmed that we do not hold a contract between Brightwave and the ICO and I consider that is correct based on the information provided by our procurement team.

I acknowledge that our staff privacy notice refers to Brightwave as a processor. Based on some further information provided by our procurement team, I can confirm that Brightwave are listed as a data processor in our staff privacy notice because they were a subcontractor of Knowledgepool, an organisation that we did have a contract with.

You may be interested to know that we transitioned from Knowledgepool to a new provider in January 2019, therefore any direct involvement with Knowledgepool, and by extension any indirect involvement with Brightwave, would have ended on or before January 2019. However, the fact that we did have

a contract with Knowledgepool does not change the fact that we do not hold any information about a contract between the ICO and Brightwave.

In conclusion, I have reviewed the steps taken in the preparation of our response to you as well as the response that we provided to you. For the reasons outlined above, I consider that appropriate steps were taken and the response was correct. I am therefore not upholding this internal review.

### **Complaint procedure**

If you consider that your request for personal data has not been dealt with correctly under data protection legislation, you have a right of appeal to this office in our capacity as the statutory complaint handler under the GDPR and Data Protection Act 2018.

To make such an application, please write to our public advice and data protection complaints department at the address below, or visit the '[Make a complaint](#)' section of our website.

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely

Craig Ineson



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