

20 July 2023

Ref: IC-234960-H6G8

Dear **s40(2)**

I write in response to your email of 22 June 2023 in which you request a review of our response to your information request of 25 May 2023.

You argue that we have contradicted ourselves in our response in relation to the investigation at the centre of your request. You are also questioning our application of section 31 to withhold the requested information.

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. I am a Senior Information Access Officer in the Information Access Team and I have had no prior involvement in the handling of your request.

Review response

Having reviewed the response provided by my colleague, I am satisfied that s31 has been appropriately applied in our response.

Your request was for the names of organisations that we made targeted enquiries with in relation to the sector-wide investigation brought to us by Mishcon de Reya.

As explained in our response, our work in the care home sector is continuing. Although the investigation you have referred to is now closed, were we to disclose information about it at this time, this may harm our continued work into the care home sector.

I see no evidence of any contradiction in our response. It appears that there may be some confusion between the complaint brought by Mishcon de Reya about the care home sector in general, **s40(2)**

s40(2). There was no reference to this latter complaint in your FOI request, but you have since mentioned it in your request for an internal review.

You have already made a request for information about PCS **s40(2)**. This

information was withheld, and your internal review challenge was not upheld. It has also been explained to you that we did not contact PCS in relation to the complaint brought by Mishcon de Reya.

This concludes my review. I appreciate that you will be disappointed in my decision but I hope you are satisfied that section 31 has been appropriately and lawfully applied to your request.

FOIA section 14

I understand that you are dissatisfied with the outcome of both complaints. However, the right of access provided by freedom of information legislation is not intended to be used as a means to express your frustration with the outcome of cases.

Under section 14 of the FOIA we can refuse to respond to a request if it is vexatious. That is, if it has the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

Please be aware that we may consider refusing future requests from you about these cases if you continue to follow a similar pattern of behaviour.

Complaint procedure

If you are not satisfied with the outcome of this review, you can make a formal complaint to the ICO as regulator of the FOIA. This complaint will be handled by a separate, independent team of ICO staff, just like a complaint made to the ICO about any other public authority.

You can raise a complaint through our [website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are. Our retention schedule can be found [here](#).

Yours sincerely

Jennifer Wilkes
Senior Information Access Officer
Information Commissioner's Office