

19 June 2023

IC-234652-R3V9

## Request

You asked us:

*"1. I would like to read any data that the Information Commissioner's Office holds on constraints - legal, or otherwise, (eg guidance ) on FOIA responders using, or adding, personal information into responses to FOIA requests.*

*2. I would like to know if - and how - the Information Commissioner's Office has dealt with any personal information included in a response to a FOIA REQUEST before."*

We received your request on 23 May 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

## Our response

I have consulted with the relevant areas of the ICO and can confirm that we hold the information in scope. All of the information has been withheld under section 12 of the FOIA.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

We regularly include personal data of individuals in FOIA responses, for example the names of individuals in emails, however to determine 'how the ICO has dealt with any personal information' in the past would require us to manually review over 2000 FOIA cases.

If it were to take 3 minutes to review each case, and this is a very conservative estimate, then it would take in excess of 100 hours to gather the information which would allow us to definitely answer your question.

Section 12 of the FOIA applies to the whole response, not just the section that takes the request over the appropriate cost limit.

### **Advice and assistance**

I do not think we would be able to narrow the scope of the second part of your request, as it would ultimately involve manually reviewing all FOIA responses that the ICO has provided. It would be of limited value to you to narrow the date range of the request, as the information would not be a complete reflection of how we have handled personal data in the past.

In relation to the first part of your request you may find it useful to look at our guidance on our website. I have included a link below.

[s40 Personal data of both the requester and others v2.0 \(ico.org.uk\)](#)

This concludes our response.

### **Next steps**

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA and EIR. This complaint will be handled 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 set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

Senior Information Access Officer



Information Access Team  
Risk and Governance Department, Corporate Strategy and  
Planning Service  
Information Commissioner's Office, Wycliffe House, Water  
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[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

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data see our [privacy notice](#)**