

Email

ICO Case Reference: IC-23...

Regarding

Worked By

Status Reason

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Activity Marker



Direction



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Email

From

ICO Casework

To

Cc

Subject

ICO Case Reference IC 232767 K2Z5

Display Name

Response letter & request for drop box

Date Received

09/06/2023 13:42

Email Address

9 June 2023

Case Reference IC-232767-K2Z5

Dear

Thank you for contacting the Information Commissioner’s Office (ICO). We received your clarified information request on 12 May 2023.

Your request

You asked us for the following:

“I would please like to know if the source code which outputs the HTML of your website is available via FOIA or otherwise, along with any custom plugins owned by ICO. This should be different from the publicl accessible source code which your colleagues do not edit manually. * The CMS is probably made my a thir party, maybe open source already. It probably uses plugins for certain features like search or news, these are probably owned by third parties but in the case any are owned by the ICO in theory you could release those. It probably also uses a template which while maybe produced for the ICO by a third party is likely owned by the ICO and I'd like to see this.”*

Where your questions satisfy the criteria of a valid information request, we have considered your request under the Freedom of Information Act 2000 (FOIA).

Our response

We can confirm that the ICO does hold some the information within scope of your request, and are in a position to provide you with the majority of the information.

However, due to the size and nature of the disclosure we ask whether you are able to provide us with an upload link to any cloud storage you are using.

If you do not have capacity to do this, it may be possible to arrange uploading the information into a non ICO Google Drive account, though for clear reasons this is not very secure and we would recommend uploading directly into an account of yours.

Once we have a mode of disclosure, we will provide the information immediately. The below exemptions apply to the information within scope:

Please note, we have removed some of the information within scope as it is exempt under section 31 of the FOIA.

Section 31

Section 31(1)(a) states:

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime,

Disclosure to the wider world of the withheld information would likely leave the ICO vulnerable to malicious attack, which would constitute a crime.

The exemption at section 31 is not absolute. When considering whether to apply it in response to a request for information, there is a 'public interest test'. We have to consider whether the public interest favours withholding or disclosing the information.

In this case the public interest factor in favour of disclosing the information is:

- Increased transparency in the way in which the ICO conducts its operations.

The public interest factors in maintaining the exemption are as follows:

- The ICO is kept safe from attacks on its systems, which in turn allows us to perform our regulatory functions.
- We have disclosed all the information we feel we can safely, and thus satisfied as much as possible, our duty of transparency.

Having considered all of these factors we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

Once we have agreed upon a way of disclosing the information to you, our response will be concluded.

We hope you find the information helpful.

Next steps

If you are dissatisfied with our response to you and wish to request a review of our decision under the FOIA or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or email icoaccessinformation@ico.org.uk.

A 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 our FOI Complaints & Appeals Department at the address below or visit our website if you wish to make a complaint under the Freedom of Information Act.

A copy of our review procedure can be accessed from our website [here](#).

Your rights

Our privacy notice [explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for an information requester. Our retention policy can be found \[here\]\(#\).](#)

Yours sincerely,

**Frederick Aspbury
Senior Information Access Officer
Information Commissioner's Office**

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

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For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.

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