

21 June 2023

**IC-234763-C6P6**

**Request**

You asked us:

*"1. Of the 92 Case Officers and 52 Lead Case Officers that work on your complaints from the Public, how many are given complaints against the Police force in general and then more specifically, against the Metropolitan Police? This can be a yearly average for the past 5 years.*

*2. I'd like to understand the decision making process on a case in a bit more detail. I am aware that the case is assigned to a CLO. Before the CLO writes back to the claimant with a final decision, does the CLO have to consult with anyone else and gain any approval/authorisation before issuing the response, or is it purely down to the CLO alone?"*

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

**Our response**

We hold information that falls under the scope of your request. Each point has been addressed below separately.

*Of the 92 Case Officers and 52 Lead Case Officers that work on your complaints from the Public, how many are given complaints against the Police force in general and then more specifically, against the Metropolitan Police? This can be a yearly average for the past 5 years.*

We interpreted your request as being for the number of unique case officer staff per year allocated to data protection (DP) and freedom of information (FOI) complaints regarding police forces, and the Metropolitan Police Service (MPS) in

particular.

The case officer role can be performed by case officers (COs), lead case officers (LCOs) and senior case officers (SCOs). For the purpose of this FOI response, we will refer to individuals in these roles as "case officer staff members".

Please note that the ICO regularly disposes of information in line with our [Retention and Disposal Policy](#). We do not hold complete information regarding case officer staff allocation that dates back prior to the financial year 2020/2021. We have also not provided information regarding the financial year 2023/2024. As this financial year is still ongoing, we do not yet hold complete information on case officer staff allocation, and it would not be reasonable to include this with the figures below.

It is important to note that the above figures quoted in the request – 92 COs and 52 LCOs – relate solely to total number of case officer staff in PADPCS, as outlined in our FOI disclosure of 7 March 2023 under IC-215666-Z6G8.

The ICO's data protection complaints department (PADPCS) and Freedom of Information complaints department (FOI Complaints) each include groups that are primarily responsible for complaints from the public regarding the justice sector, which includes the sub-sector of police forces.

However, the above-specified groups in PADPCS and FOI Complaints are not exclusively responsible for all cases in the justice sector. Groups may assist each other by handling sector-specific casework as appropriate depending on business need. Our response is therefore not derived from total number of staff in the relevant groups, but directly from casework statistics.

You will also note from the figures below that a small number of case officer staff members handled both DP and FOI cases within one financial year, again depending on business need and departmental staff retention.

The number of unique case officer staff members allocated to data protection and freedom of information complaints cases regarding police forces, and more specifically the MPS, from June 2020 – June 2023 is as follows:

	<b>Police Forces DP</b>	<b>Police Forces FOI</b>	<b>Police Forces Total</b>
<b>20/21</b>	54	30	82
<b>21/22</b>	90	47	133
<b>22/23</b>	55	45	98

	MPS DP	MPS FOI	MPS Total
20/21	13	10	23
21/22	26	28	54
22/23	17	20	37

*I'd like to understand the decision making process on a case in a bit more detail. I am aware that the case is assigned to a CLO. Before the CLO writes back to the claimant with a final decision, does the CLO have to consult with anyone else and gain any approval/authorisation before issuing the response, or is it purely down to the CLO alone?*

For clarity, the case officer roles are designated as follows: Case Officer (CO), Lead Case Officer (LCO) or Senior Case Officer (SCO). All of these roles may handle complaints casework in their relevant directorates. We've interpreted your request as primarily relating to data protection and FOI complaints casework.

Case officers are responsible for investigating and progressing complaints and act on the delegated authority of the Information Commissioner. You can find more information about the ICO's decision making structure in our [Scheme of Delegations](#) published in the ICO website. You may also wish to review our guidance on [how a complaint is processed](#).

Case officers receive training, mentoring and other support and have access to casework and legal resources. Case officers may also seek advice from colleagues at any stage, especially if the case involves novel or particularly complex issues.

For data protection complaint cases, a case officer is not required to consult with a manager or gain specific authorisation before issuing an outcome on data protection cases. It is important to note that decisions on data protection complaints are not formal decisions in a legalistic sense. They are instead the ICO's opinion based on the circumstances and information provided to us.

While case officers are not required to obtain approval prior to issuing a final decision, there are mechanisms in place if a complainant disagrees with a decision made by an officer or have concerns that the ICO's service standards are not being met. In these circumstances, complainants are able to request a case review, or raise a service complaint.

In most cases, the person who handled your case will first check to see if they can resolve your complaint by providing you with some further information or

clarification about any decisions they have reached. If they can't do that, they will share your complaint with an appropriate reviewing officer, who will look at what we have done and why.

For more information about our review process and service complaint process, please refer to [our service standards](#) and our [service complaint policy](#) on our website.

For freedom of information complaint cases, where a formal decision notice (DN) is issued, this is reviewed prior to its issue. The reviewer will provide comments based on their experience and judgement. Following the review, the reviewer will assign a signatory. More senior signatories may be assigned to the most complex and sensitive cases.

Every DN advises the complainant and the public authority that they may appeal the decision to the First-tier Tribunal (Information Rights). Any notice of appeal should be served on the Tribunal within 28 calendar days of the date on which the DN is sent. Service concerns can also be raised by raising a service complaint.

For more information on FOI complaints casework process, please refer to our [FOIA and EIR Casework Service Guide](#).

As the above information is already accessible to you, it is technically withheld under section 21 of the FOIA. You can access the information you have requested at the links above.

This concludes our response to your information request.

### **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. 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



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