

31 August 2023

**IC-251030-D4V0**

**Request**

We received your request on 7 June. You asked for the following information:

Under the terms of the Freedom of Information Act, I would be obliged if you could let me know in respect of each year from the 1st January 2018 onwards:

- a. How many complaints you've received in total relating to Freedom of Information requests and data protection matters.*
- b. How many of these complaints have related to Freedom of Information requests.*
- c. How many of these complaints have related to data protection matters.*
- d. How many of each type of complaint have been upheld by your office.*
- e. How many Freedom of Information complaints that you haven't upheld, have been appealed.*
- f. How many data protection complaints that you haven't upheld, have been further complained about.*
- g. How many of the appeals referred to at e. have been successful.*
- h. How many of the further complaints referred to at f. have been successful.*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

## **Our response**

We do hold information within the scope of your request.

The information that you have requested at points a-e and point g is provided in our annual reports which are available on our website [here](#).

If you refer to the 'operational performance' section of the annual report, which begins on page 50 of our most recent report, you will find summaries of the numbers of each type of complaint that we received in each year, as well as breakdowns by sector, type of complaint, and case outcome, and statistics about our Freedom Of Information appeals, including outcomes. This information is technically exempt under s.21 because it is available by other means.

With regards to points f and h, we are unable to provide this information going back to 2018 as we no longer hold complete data, due to our retention schedules, but can provide the following figures, broken down by financial year:

| <b>Case review outcome</b> | <b>2020/21</b> | <b>2021/22</b> | <b>2022/23</b> | <b>2023/24</b> | <b>Grand Total</b> |
|----------------------------|----------------|----------------|----------------|----------------|--------------------|
| Not upheld                 | 245            | 1358           | 1282           | 433            | 3318               |
| Partially upheld           | 19             | 116            | 127            | 49             | 311                |
| Unassigned                 | 6              | 15             | 23             | 10             | 54                 |
| Upheld                     | 11             | 107            | 78             | 74             | 270                |
| <b>Grand Total</b>         | <b>281</b>     | <b>1596</b>    | <b>1510</b>    | <b>566</b>     | <b>3953</b>        |

This provides the numbers of case reviews (where the complainant challenged our original case decision) we completed in each year, broken down by the outcome. Where the outcome is 'upheld' the complainant successfully challenged our case decision, where it is 'not upheld' the challenge was unsuccessful.

The numbers for 2020/2021 are not complete as we no longer hold data for the whole year, but represent the number of case reviews that we still hold information about.

## FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@ico.org.uk).

Your 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 Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

## Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



Information Access Team  
Corporate Planning, Risk and Governance Directorate  
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)  
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**For information about what we do with personal data see our [privacy notice](#)**

