

16 November 2023

**Ref: IC-260900-T4T0**

I write in response to your email of 20 October 2023 in which you request a review of our response to your request for 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 Group Manager in the Information Access Team. I have had no prior involvement in the handling of your request.

### **Review response**

It is important to clarify with you from the outset that my review will only be looking at whether the response to your information request was compliant with the FOIA. Your request for review seems primarily concerned with challenging the position taken by the ICO in relation to EA/2022/0310 (Abbas Mithani v Information Commissioner) and asking us to express opinions, clarify our position, or otherwise provided a commentary that is outside the scope of the FOIA and which I will not be addressing in this review.

To the extent that your request for review is challenging the information disclosed in response to your request, I have specifically considered the following points you have raised:

1. That there is likely to be additional information held by the ICO relevant to your request, which should have been disclosed as part of our response; and
2. We have not provided you with an appropriate level of advice and assistance, in breach of section 16 of the FOIA.

In relation to questions 1 (a-g) and 2 from your request, I have looked again at the information provided and I am satisfied that it is accurate and that we hold no further recorded information that would address these points.

In relation to questions 3-5, you appear to have clarified in your request for review that these questions relate to whether we hold information about cases

which are similar in circumstance to *Abbas Mithani v Information Commissioner*. I do not think this was clear in your original request; however, I can address this with you now by confirming that we do not hold information regarding further cases of relevance to your request.

You are able to review all [decision notices](#) issued by the ICO on our website, searchable in a variety of ways, including by public authority and exemption type used. The ICO has issued seven decision notices in total to the Judicial Appointments Commission, two of which considered the application of s.36. One was *Abbas Mithani v Information Commissioner*, and the other, [FS50797020](#), dates from February 2019 and the complaint regarding the application of section 36 was upheld.

In relation to question 6 I have reviewed the information provided to you and the consultations my colleague undertook in identifying information in scope of your request and I am satisfied that we have identified and disclosed everything we hold. I am also satisfied that we do not hold information in scope of question 7.

Finally, I note your challenge that we did not provide you with an appropriate level of advice and assistance to enable you "to understand the information or documentation provided". It is important to clarify that this is not an expectation of [section 16](#), which is primarily focused on ensuring that public authorities take the necessary action to ensure a request is valid, assist a requester in refining an unclear request or a request which exceeds the appropriate limit (section 12). These circumstances are not relevant to your request. Furthermore, I consider that you have been provided with a clear response, using your own numbering system for clarity, and the information disclosed is not technical or otherwise specialised in nature, so requires no further explanation or interpretation.

This concludes my review.

### **Complaint procedure**

If you're 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 that type of 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



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