

6 April 2023

Case reference IC-222287-F7G8

Request

You asked us for a definition of what the Information Commissioner's Office (ICO) considers to fall within the ordinary course of business in the context of an information request.

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

Our response

We can confirm we hold information in scope of your request.

Internal information

We have a *Frequently Asked Questions* (FAQs) page on our team's page (Information Access team) on our intranet page (internal website). I have attached a copy of the relevant section which gives a basic definition which ICO staff can rely on.

We also have a *Request Process Toolkit*, which is an electronic form held on our

team's intranet page. The form has five steps to complete (multiple-choice options to select) which generate a response at the end of the process either way. We cannot provide you access to this for security reasons and for format reasons (it is an embedded interactive tool). However, I have provided a screenshot of the basic definition which is provided, if it is calculated that the person completing the form **should** handle the request in the normal course of business.

All ICO staff have access to the FAQs and this form which they can fill out in order to determine whether they should refer a request to our team or handle it in the normal course of business (ie respond directly themselves).

I have also attached our *Normal Course of Business Checklist* which provides essentially the same guidance for ICO staff.

External information

FOIA section 21

You can access the information you have requested here:

- *'Recognising a request for information,' 'What is a valid request?'*: [Link to FOIA guidance on ICO website](#)
- ICO FOIA guidance – *'Recognising a request made under the Freedom of*

Information Act (Section 8), 'What FOIA says,' Section 8 (page 5): [Link to FOIA guidance on ICO website](#)

- *ICO SAR guidance – 'How do we recognise a subject access request (SAR)?,' 'Can we deal with a request in our normal course of business?': [Link to SAR guidance on ICO website](#)*
- *ICO Environmental Information Regulations (EIR) guidance – 'What should we do when we receive a request for environmental information?,' 'In brief...' and 'What are the requirements for a request under the Environmental Information Regulations?': [Link to EIR guidance on ICO website](#)*

- Cabinet Office's Section 45 Freedom of Information Code of Practice – '*1. Right of Access,*' sub-section 1.4, page 10: [Link to FOIA Code of Practice](#)
- Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004 (SI 2004 No. 3391) – '*III THE PROVISION OF ADVICE AND ASSISTANCE TO PERSONS MAKING REQUESTS FOR INFORMATION*'

Section 15, page 11 includes an advisory point on how to deal with

EIR requests: [Link to EIR Code of Practice](#).

The FOIA and other information rights legislation do not define how business should be carried out, however the ICO's approach to handling requests is compliant with the legislation, and compliant with publicly available material containing relevant principles and guidance.

The ICO's guidance is reflective of the legislation and codes of practice, and it provides information and realistic examples to enable organisations to be clear on how to deal with and prepare themselves for handling information requests.

Next steps

You can ask us to review of 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](#) on our website.

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 sets out your rights. Our retention schedule can be found [here](#) on our website.

Yours sincerely



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