

18 May 2023

Case Reference: IC-232772-G7L9

Request

On 16 May 2023 you requested the following information:

- 1. The number of complaints made to the ICO which include the words 'children' or 'child' in each year since 2015*
- 2. The number of complaints made to the ICO regarding the use of children's data in each year since 2015, broken down by:*
 - Primary reason*
 - Decision made*

We have dealt with your request in accordance with the Freedom of Information Act (2000).

Our response

We hold information that falls under the scope of your request. However, extracting the information you have requested would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA), therefore we are refusing the request on this basis.

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Our current case management system contains over 5000 records relating to the complaints we handle. While we can electronically search for keywords such as 'child' or 'children' in the case summary, the system does not enable us to electronically search individual documents within each case, which may also contain the word 'child' or 'children', even if the summary does not. Such records would need to be searched manually.

Furthermore, the accuracy of such searches cannot be guaranteed. The inclusion of the words 'child' and 'children' in case summaries and/or more detailed case records does not necessarily mean the case is about children or their data, for example, the word may be mentioned incidentally, or be part of a company name. Nor does the absence of these keywords mean that the case is not about children or their data, for example, a complainant may not necessarily declare their own age or those of any other individuals involved, and this may not be evident from the context or the nature of the complaint.

Similar issues apply if we were to conduct searches relating to children's data. This is not a category we use in our case management system, therefore manual searches would be required to locate relevant cases, and it would be necessary for the request handler to make subjective judgments about which cases may or may not fall within scope. Given the concerns about accuracy mentioned above, it is impossible to guarantee that any final figures or data would be accurate or representative in terms of how many complaints we receive in relation to children and their data, or the nature/outcome of these.

Assuming it would take an average of two minutes to search each of the 5000+ complaint cases on our current system to perform the necessary checks (and in many cases this would take longer due to the volume of information on the case) this would equate to over 160 hours of work. This estimate does not include over 18000 search hits for these keywords in our legacy system, which would also need to be searched to cover the extensive time period specified in the request. Even if we considered a shorter time period, such as one year, we would still need to manually search thousands of cases to assess whether the relevant keywords are included.

As the time taken to locate the information would be considerably in excess of 18 hours, which would accrue a charge of £450 or more, we consider that the provisions of section 12 of the FOIA have been met in this case.

Advice and assistance

As we do not categorise our data using the terms provided in your request, it is unlikely that simply by refining the request to focus on a specific time period, sector or other criteria we can isolate a small enough sample of cases to manually search within the cost limit, and produce information that is representative of the complaints we deal with in relation to children's data.

However, there may be other ways to explore your interest in this topic, either by utilising the information we have already published online, or by making requests about some of our work in related areas.

We already publish information about complaints we've handled here:

<https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/>

These datasets can be filtered by sector, outcome and a range of other criteria. You may find it helpful to look at the figures we hold for relevant sectors, such as education and childcare, or for particular organisations, although the data sets do not indicate whether or not these complaints are specifically about children or their data.

We can consider requests relating to action we've taken in relation to matters relating to children and their data, e.g. by searching the relevant section of our website for examples:

<https://icosearch.ico.org.uk/s/search.html?query=children&collection=icometa&profile=default&f.Website+Section%7Csection=Action+we%27ve+taken>

You can conduct other searches by using the search box at the top of the page.

Please note that any request requiring us to manually search large numbers of records for specific keywords which do not relate to categories we use in our systems, is likely to exceed the appropriate limit, and as mentioned we cannot guarantee the accuracy of the results provided following a manual search. Consideration can also be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

This concludes our response to your request.

Next steps

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.

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
Risk and Governance Department, Corporate Strategy and
Planning Service
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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