

1 June 2023

Case reference: IC-231113-J2R9

We are now in a position to respond to your information request of 8 May. This has been dealt with as a new information request under a separate reference number as more than 30 calendar days had passed since our request for clarification.

Request

Your original information request was as follows:

"Please provide me with a spreadsheet with:

- 1) the total number of complaints that the ICO has received*
- 2) The total number of complaints the ICO upheld*
- 3) The total number of ICO complaint responses that were reviewed in line with the ICO's review process*
- 4) The total number of ICO reviews that upheld the original ICO response.*

All four of these should each be broken down by month (i.e. total number of complaints per month), for each month for the last 10 years (or as far back as you have records that you can reasonably provide)."

We understand from your correspondence that you are interested in data protection and freedom of information complaints for points 1 and 2. For 3 and 4, you provided a link to our data protection complaints review webpage ([link](#)). We have interpreted this as indicating that you are interested in data protection complaints for points 3 and 4.

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

Our response

We can confirm we hold information within scope of your request in points 1 to 4.

With regards to points 1 and 2, we publish completed complaint casework [datasets](#) on our website. These are provided by the area of legislation and include the date received and completed, meaning that you can filter these by month, and case outcome. We also provide further information on the case outcomes we use for [FOIA](#) and [data protection](#) complaints.

The datasets are currently published up to quarter 3 of 2022/23. By way of advice and assistance, quarter 4 of 2022/23 should be available on our website from the end of June. In line with our retention policy, we hold complete complaint casework for a period of two years. You can find archived versions of our website on The National Archives [here](#).

We also publish information about our operational performance in our [annual reports](#). In this, we provide the number of complaints we have dealt with by legislative area for the financial year. These reports are available on our website from 2015/16. The 2022/23 annual report will be published in due course.

The above publicly available information within scope of your request is technically withheld under section 21 of the FOIA, which explains that we are not required to provide information in response to a request if it is already reasonably accessible to you from another source.

Section 22 FOIA

We intend to publish the quarter 4 2022/23 complaints datasets in due course. That means this information is being withheld pursuant to section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and,
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

In this case, the public interest factors in disclosing the information are:

- Providing information about our complaints handling as regulator and encouraging openness.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant datasets which will include the relevant information in the near future (and at that point the information will be in the public domain anyway).
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests we receive would not be an efficient use of resources when we intend to publish this information in due course.
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

With regards to points 3 and 4, please find enclosed a .CSV dataset of ICO reviews for data protection complaint cases, labelled as 'manager reviews' on our casework management system. This includes both open and completed manager reviews. The dataset has columns for date received and review decision. In line with our retention policy, we hold complete complaint casework for a period of two years.

Please note, the information provided in this dataset reflects the data on the date it was extracted and can be subject to change over time. Some of the fields show as blank or 'unassigned'. This means that a category has not been inputted in this field in the casework management system.

This concludes our response to your request. We hope you found this information helpful.

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](#).

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



Information Access Team
Risk and Governance Department, Corporate Strategy and
Planning Service
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews

**For information about what we do with personal data
see our [privacy notice](#)**