

21 August 2023

Reference number: IC-247026-F6X9

Request

You asked us: *"I wish to file a Freedom of Information Act 2000 request to the Information Commissioner's Office for copies of all guidance on Common Law Police Disclosure [CLPD] the ICO has access to. For example, documents received by or sent to the Home Office, the College of Policing [CoP], National Police Chiefs Council [NPCC], and individual police forces."*

We received your request on 24 July 2023.

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

Our response

Conducting the searches necessary to confirm if we hold the information you have asked for would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

The requested information is not information we normally need for our purposes and our case management system is unable to run a quick automated report on this type of information. Therefore, in order to obtain copies of all guidance on CLPD would mean that we would need to complete a manual search of thousands of cases. This is because guidance may have been provided to an organisation, or an individual, as part of a complaint or advice case we have completed.

We currently hold approximately 7,060 cases for the NPCC, CoP, Home Office and individual police forces. Assuming that each search would take approximately six minutes to complete – and it is certain that some searches would take much longer than that – this would equate to over 706 hours' worth of searching. This clearly exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Please note, these figures only relate to the mentioned data controllers. As mentioned above, guidance may have also been issued to individuals, or other law enforcement agencies, which means that it is certain additional searches are needed and this will only increase the 706 hours mentioned above

Advice and assistance

You may be able to bring your request under the Section 12 limit by:

- Requesting this information about a named organisation, for example, a specific police force.
- Choosing a specific date range

If you are able to bring your request under the Section 12 limit, as it would likely still require manual searching, we would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of search, or whether it represents an unreasonable burden on us as a public authority, especially when the below is also considered.

We can advise that we have undertaken consultations with multiple teams within the ICO. After these consultations, we have been unable to locate specific guidance about CLPD. It is our understanding that this is because CLPD is not considered to be different to other forms of disclosures that police authorities can complete.

As such, would like to advise that the ICO has produced [guidance](#) on data sharing between law enforcement and non-law enforcement authorities. This addresses, in brief, the use of common law powers for authorised data sharing.

Next steps

You can ask us to review 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
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**