

30 August 2023

IC-251843-X4J5

Request

- *How many requests for assistance in obtaining information under the Data Protection act did the ICO get in 2022.*

(As I understand it this would be personal Information held by an organisation and so not an FOI request)

- *In how many of these cases was the information requested still not sent despite a request for a response from the ICO.*
- *For how many of these latter cases did the ICO rule if the original request was a valid request or not.*
- *In how many of the cases where the request was valid, and the information not sent, did the ICO take further action against the organisation.*

Your request, received on 21 August 2023, has been handled under the Freedom of Information Act 2000 (the FOIA).

Response

I have interpreted your request to be for complaints received about subject access requests.

I can confirm we do hold information falling within the scope of your request, but locating the full extent of the information requested would breach the cost limit envisaged by section 12 of the FOIA.

I explain this in more detail below, along with some advice and assistance about how you can find information you are interested in.

FOIA section 12

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.

Details of the complaints we have received about subject access requests are held within our casework management system, along with the details of thousands of other enquiries and concerns regarding the other laws we oversee.

The system allows us to search for the cases we have dealt with in a number of different ways, such the broad nature of the complaint (i.e. that it relates to a subject access request), and the outcome of the complaint.

However, it is not possible to search for further detail, such as cases in which we determined the original request was not valid.

This is not information we would require for our business needs. As such, to establish the information that we hold and which falls within the scope of request would require a manual search at the correspondence on thousands of cases.

This would be well in excess of the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA.

Advice and assistance

Data sets of our data protection casework can be found here:
<https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/data-protection-complaints/>

You can filter the columns to find information you are interested in:

- Column D: select 'Art 15' and 'Art 15(3)' to find cases about subject access requests.
- Column R can be used to filter cases by outcome detail.

Case outcome descriptions can be found here:
<https://ico.org.uk/media/about-the-ico/data-sets/4021296/case-outcome-descriptions-dp-complaints.pdf>

Unfortunately, given the volume of complaints we receive about subject access requests, even if you were to significantly reduce the scope of your request – by timeframe, for example – it would still likely breach the cost limit.

I should also advise that we could not 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 above.

This concludes our response to your request.

FOI review procedure

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
Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire
SK9 5AF

ico.org.uk twitter.com/iconews

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