

7 August 2023

Case Reference: IC-246963-M7T3

Request for Information

Further to your email of 26 July we can now provide a response to your information request.

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

Request

In your email of 26 July you provided clarification and confirmed you required "..... *how the ICO deals with the public any adjustments offered on the outset of contact onward.*"

Response

Having looked at the policies and procedures page on our website I can see, as you have mentioned, that the relevant policy refers to internal staff and employment.

I can confirm that access to the document you require can be found via the following webpage:

<https://ico.org.uk/about-the-ico/our-information/our-service-standards/>

The following link will take you directly to the PDF.

<https://ico.org.uk/media/about-the-ico/service-standards/4018508/ico-reasonable-adjustment-policy.pdf>

As this information is already in the public domain it is technically withheld from your response pursuant to S.21 FOIA.

We do also have some additional internal documents that fall within the scope of your request. Please see the attached PDF that contains internal guidance regarding service adjustments.

The section on page 2 "Further details can be found here" is a hyperlink to an internal webpage containing the text on page 1 of your disclosure.

The hyperlinks on page 4 take you to the following publicly available documents:

<https://ico.org.uk/media/about-the-ico/service-standards/4018507/ico-service-charter.pdf>

<https://ico.org.uk/media/about-the-ico/service-standards/4018508/ico-reasonable-adjustment-policy.pdf>

<https://ico.org.uk/media/about-the-ico/service-standards/4018505/unreasonable-and-persistent-complainant-policy.pdf>

You will also see that the disclosed document contains some staff names on page 2. I have been informed that the document is in the process of being updated as some staff responsibilities have now changed. However, if you would like to request a reasonable adjustment please do not hesitate to contact me directly and I will assist.

Finally you will notice we have redacted an internal email address. This email address is not for public use and has been withheld pursuant to S.31 FOIA.

The exemption at section 31(1)(g) of the FOIA refers to circumstances where the disclosure of information "would, or would be likely to, prejudice – ... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state –

"(a) the purpose of ascertaining whether any person has failed to comply with the law" and

"(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."

The exemption at section 31 is not absolute, and we must consider the prejudice or harm which may be caused by disclosure of the information.

A number of internal email addresses are in use to allow staff to perform their roles. These email addresses, such as the one redacted, were never intended for public use. Internal email addresses require checking on a regular basis by our staff. Should these email addresses become publicly available there is the possibility they will be inappropriately used or abused. This would in turn result in staff time being required to delete or redirect external emails.

The more internal email addresses that are in the public domain the greater the risk. An attack on our email systems would be a considerable concern and would likely have an impact on our role as the UK's independent body set up to uphold information rights.

Law enforcement and regulatory action are two core responsibilities within the ICO hence my reference to S.31(2)(a) and 31(2)(c) FOIA.

As it is necessary for us to perform a Public Interest Test (PIT) on disclosing the information.

The arguments in favour of disclosure are:

- The public interest in a general emphasis on transparency.

The arguments in favour of withholding the information are:

- The public interest in the ICO being able to perform its functions; to have a safe, non-public facing space within which to do so where appropriate; and to protect the integrity of its information security and processes.
- The public interest relating to transparency is met by the provision of several other and more appropriate means of contacting the ICO. The processes for communicating with and complaining to the ICO are clear and publicly available. It is simply not necessary for the public to have access to our internal email addresses.

Having considered this PIT, we find that the arguments in favour of maintaining the exemption outweigh those in favour of disclosure.

This concludes our response.

Next steps

If you are dissatisfied with our response under the FOIA or wish to complain about how your request has been handled please write to the Information Access Team at the address below or email icoaccessinformation@ico.org.uk

A 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 FOI Complaints & Appeals Department at the address below or visit our website if you wish to make a complaint under the Freedom of Information Act.

A copy of our review procedure can be accessed from our website.

<https://ico.org.uk/media/1883/ico-review-procedure.pdf>

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:

<https://ico.org.uk/global/privacy-notice/>

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people have provided us with, such as an information requester:

<https://ico.org.uk/global/privacy-notice/make-an-information-request/>

The length of time we keep information is laid out in our retention schedule, which can be found at:

<https://ico.org.uk/media/about-the-ico/policies-and-procedures/4018504/retention-and-disposal-policy.pdf>

Yours sincerely

Information Access Team Manager

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