

22 August 2023

IC-249858-Q9F0

Request

You asked us:

"I would like to know how many complaints are made every year (at least 2020, 2021, 2022, 2023) for not processing SARs and FOIRs against the Police and the Home Office. I would also like to know how many of those complaints have been upheld and what measures the ICO has been taken. Every year. I need to know how the situation changes through years."

We received your request on 7 August 2023.

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

Our response

We hold information that falls under the scope of your request. However, retrieving the information 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.

Whilst we do categorise cases by their nature, and in particular if a case relates to a specific right under data protection or FOI, we do not hold information in a sufficiently granular level to identify the information you are requesting from an automated report.

Specifically, whilst we could run a report on the number of complaints received regarding subject access requests and FOI requests in the sectors you have

asked about, we would not be able to identify how many of those complaints relate to a SAR or FOI request not being processed by the controller. To do so would require manual searches of these cases.

I have checked the number of cases received in the 2021-22 financial year and the first three quarters of the 2022-23 financial year. The total number of cases across that time period that relate to subject access requests and FOI requests, and that are about either the Home Office or the police, is 2,197.

Assuming that each search would take approximately one minute – and it is certain that some searches would take much longer than that – this means that searching for the information across this time period alone would equate to over 36 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.

Advice and assistance

As the particular issue in this request is that the information you are seeking is too granular and too numerous for us to be able to respond, you may benefit from wording your request in more general terms. If you wished to know the number of complaints that are about SARs and FOIRs in those sectors, for instance.

However, it should be noted that much of this information and, indeed, the information that you may be interested in is already publicly available as part of our [datasets](#).

The datasets – and in particular the datasets for [data protection complaints](#) and [freedom of information complaints](#) – contain information about each complaint we receive, including the sector, name of the data controller, nature of the complaint (i.e. if it is about an Article 15 subject access request), and outcome, along with further information.

Whilst they do not contain information specifically about whether a complaint concerns the controller or public authority not processing a request – since we do not categorise complaints information in that way – you may nevertheless find the information available on those datasets useful.

This concludes our response to your request.

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



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