

21 August 2023

IC-248566-T5C8

Request

You asked us:

"I note the ICO's website contains the following text when data subjects seek to make a complaint;

*"We expect individuals to seek a full and final response from an organisation before complaining to us.
You must chase the organisation if you have not received a response."*

Please advise your lines to take if a data subject complains to the ICO, but does not provide this evidence. I understand the above is no longer the approach of the ICO.

Further please provide guidance for caseworkers when determine the severity of a concern, how they determine an outcome, how timescales for response (e.g 7 days, 10 days, 14 days etc) are set.

Please also provide any other internal casework procedures."

We received your request on 31 July 2023.

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

Our response

I can confirm that we hold information in scope of your request.

It is still the case that we expect data subjects to have sought a final response from the organisation that is the subject of their complaint prior to submitting a

complaint to us. This is outlined on our website, as part of our [guidance](#).

Regarding the rest of your questions, these are answered either as part of our guidance or in responses we have issued previously.

Our page on [what to expect from the ICO when making a data protection complaint](#) outlines how we process complaints when they are received. Please note that there are no strict criteria used by case officers to determine the severity of each concern or timescales for completion, as these are assessed on a case-by-case basis. Our [regulatory action policy](#) outlines when a case may meet the criteria for formal regulatory action.

Finally, we have made two previous disclosures for our internal casework procedures, training and guidance etc. These can both be found on our [disclosure log](#).

The first of these is [IC-203074-K3Y8](#). This was a response to a request for information about the procedures and guidance we use when dealing with casework.

The second is [IC-236327-C7Q7](#). This was a response to a request for the following documents used by the Public Advice and Data Protection Complaints Service department (PADPCS): service guide, ICE 360 complaint handling procedure, and resources used by the training school.

The above information has been technically withheld under section 21, as it is already accessible to you by means other than making a freedom of information request, though the links have been provided for convenience.

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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