

Date: 24 August 2023

IC-246720-M6T2

Request

You asked us:

"Number of complaints you as an organisation have received within the last 12 months regarding your poor practices as a Regulator. For the avoidance of doubt this is complaints made about your organisation only"

"How many complaints regarding your organisation have been upheld by you within the last 12 months?"

I asked for clarification, and you advised that you are interested in the numbers of DP complaints, FOI complaints, and PHSO complaints about the ICO.

We received your request on 23 July 2023. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

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

We proactively publish our complaints data. You can find our published data sets for [data protection](#) and [FOI complaints](#) on our website.

You can narrow the dataset down to complaints about the ICO by filtering the "Submitted About Account" column. We do not typically record a complaint as 'upheld' or 'not upheld', but rather by the type of action that we have taken. We record the outcome in the columns titled "Decision", "Decision Detail1", and "Decision Detail2". We also publish documents detailing what these outcomes mean for both [data protection outcomes](#) and [FOI outcomes](#).

We also proactively publish our performance following complaints made to the Parliamentary and Health Service Ombudsman (PHSO). You can find our

performance on our '[Performance Scorecards](#)'. One of our performance metrics is *"In 100% of cases, the Parliamentary and Health Service Ombudsman (PHSO) do not uphold a complaint about the ICO"* and you can view our performance in the information published on the our performance page linked about as far back as Q3 2021/22.

To the extent that we've already made the above information available, it is exempt by virtue of s.21 of the FOIA. For any information which we currently hold but have not yet proactively published, it is exempt by virtue of s.22 of the FOIA. Further information about these exemptions has been provided below.

FOIA s.21

Section 21 FOIA exempts information from disclosure where it is already reasonably accessible to the applicant. Because the information is already published on our website, it is withheld under section 21 of the FOIA.

Section 21 states that we don't need to provide you with a copy of information when you already have access to it. However, I have provided links above to the information that you are seeking.

FOIA s.22

We intend to proactively publish new datasets containing DP complaints, FOI complaints, and PHSO performance data. Section 22 of FOIA exempts information that is held with a view to publication. I consider this exemption applies to some of the information you have sought.

This is not an absolute exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

- A general and appreciable interest in the ICO's performance and complaints about it.

The factors in favour of withholding the exemption are:

- There is a strong public interest in the ICO allocating its resources most effectively. We already have a strong track record making this information proactively available and it would duplicate work to produce the same results ad hoc.

- The vast majority of the public interest is served by the information we have already published, which will cover the vast majority of the information in scope.

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

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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