

8 August 2023

Ref: IC-246114-S6H0

Request

"Please provide a copy of your internal process when someone wants to appeal an ico foi request and ico internal review response?"

Is there a separate team that deals with issuing ico decision notices regarding the ico?"

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold information within the scope of your request.

Much of the information requested can be found on our website by following the links provided below.

Details of how the ICO handles information requests can be found in our request handling procedure via the following link: [request handling procedure](#)

This information relates to our old case management system which has been replaced with a new case management system, however, the process for both systems are broadly the same.

Details of our procedure for handling reviews of information requests can be found on the following link: [ICO requests for information review procedure](#)

We have previously disclosed information about our internal procedure for handling cases on our case management system. This includes a guide for the individual who has received the request for an internal review and a guide for the individual conducting the internal review. This can be found on our disclosure log via this link: [IC-127713-M3G1](#) labelled 'Procedure for request handling in ICE 360 (redacted)'.

Technically, the information we hold that is available on our website is withheld in reliance on section 21 of the FOIA. This is explained in further detail below.

We also intend to publish our internal information access manual on our website shortly. This document includes information that outlines our internal procedure for handling requests for internal reviews. As we intend to publish our information access manual in the future, we are withholding it pursuant to section 22 of the FOIA. This is explained in further detail below.

Information withheld

FOIA section 21

Section 21 exempts information which is reasonably accessible to the applicant through means other than a request under the FOIA.

It is an absolute exemption, which means it is not necessary for us to consider any public interest test.

FOIA section 22

Section 22 exempts information which is held with a view to its publication at a future date and when it is reasonable in all the circumstances that the information should be withheld from disclosure until that date.

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

The factors in favour of lifting the exemption are:

- The public interest in the ICO being open and transparent about the way in which it handles requests for information and internal reviews of those requests.

The factors in favour of maintaining the exemption are:

- The ICO has committed to publishing the information access manual
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests we receive would not be an efficient use of resources when we intend to publish this information in due course anyway.

- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

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

Advice and Assistance

In relation to your enquiry about whether a separate team is responsible for issuing a decision notice relating to a complaint against the ICO itself, it may help to explain both the role of the ICO's Information Access Team (IAT) and the ICO's FOIA Complaints Team.

The IAT's role is to provide information under the Data Protection Act 2018, FOIA, and the Environmental Information Regulations 2004. We consider the information we hold and make decisions about the lawful disclosure of this. The IAT does not however perform a regulatory function, and as such, does not investigate complaints.

The ICO's FOIA Complaints Team is a separate team and forms part of the regulatory arm of the ICO, handling complaints made to the ICO about the way a public authority has handled information under the FOIA and issues decision notices accordingly. This includes complaints about the ICO's IAT as a public authority in its own right.

Like any other public authority, the ICO are subject to the FOIA, and thus the same regulation as other public authorities. If the ICO receives a complaint about a response from the ICO's IAT under FOIA, the IAT must respond to the regulator's enquiries and questions in the same way as any other public authority.

This concludes our response to your information request.

In the event you are unhappy with this response, I have outlined the next steps that you can take below.

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 [here](#).

Your rights

Our [privacy notice](#) explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for [an information requester](#). Details of our retention policy can be found [here](#).

Yours sincerely



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For information about what we do with personal data see our [privacy notice](#)