

28 September 2023

Case reference IC-255368-S6P2

Request

We have numbered your questions for ease of reference. You asked us:

"Dear Information Commissioner's Office,

- 1. Why are the ico quick to issue enforcement orders under the new commissioner?*
- 2. What directions have been given by the Commissioner internally regarding giving out enforcement orders?*
- 3. What criteria does the Information Commissioner Office follow before issuing enforcement notices under the freedom of information act and data protection act?*
- 4. What changes are being made by the Information Commissioner's Office following the tribunal largely going in favour of the Experian case at Tribunal this year?"*

We received your request on *1 September 2023*

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

Our response

1. We do not consider this to be an FOI request for recorded information, so we have not responded to this part under FOIA. There is discretion for the Commissioner to exercise enforcement powers whenever it is considered appropriate, however we do not have recorded information which answers this query.
2. **Please can you provide clarification or narrow down this part of your request.** I have approached relevant staff, however they will need more clarity on this point, if possible, to enable them to know what specific information is being asked for.

It may be a significantly large scope of information if this part is asking for a search of all correspondence relating to enforcement matters. Please note the statutory cost limit for complying with an FOI request is £450 (equivalent to 18 hours work).

3. The criteria is based on our Regulatory Action Policy. This policy can be accessed on our website here: <https://ico.org.uk/media/about-the-ico/documents/2259467/regulatory-action-policy.pdf>

Please note our policies and enforcement practices are essentially guided by the legislation that we oversee, and we are limited to what the legislation allows us to do.

4. We do not hold any information in scope of your request. I have not been informed of any proposed or agreed changes from the staff I have approached.

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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