

5 October 2023

IC-258587-T6Y7

Request

"I would like to submit an FOI request to you for the number of valid FOI Section 50 complaints received by the ICO in the last year that did not receive a response that fell under either Section 50(3a) or Section 50(3b)."

Your request, received on 17 September 2023, has been handled under the Freedom of Information Act 2000 (the FOIA).

Response

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

Published data sets of our [FOI complaint casework](#) can be found on our website. You can filter the columns to find the information you are interested in. For example, column 'Q' can be filtered to exclude cases in which a Decision Notice was served, or which were informally resolved.

Case outcome descriptions are explained in a document at the bottom of the linked page.

FOIA section 21

Data sets are currently available for the period between 17 September 2022 and 30 June 2023.

As such, information contained within the published data sets is technically withheld under section 21 of the FOIA. This 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

As we have done for the previous two financial years we intend to publish an equivalent dataset covering our completed casework for the period between 1 July and 17 September 2023 in the near future.

The information we hold regarding the relevant time period will soon be published. This means it is being withheld in response to your request pursuant to section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

*"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."*

In this case we find that the exemption at section 22 of the FOIA applies to the information we hold for the relevant period as this information will be published by us in due course.

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.

In this case the public interest factors in disclosing the information are:

- Providing information regarding our case closure reasons.
- This is particularly relevant in cases where we have not issued a Decision Notice, since these are already published on our website when the case is closed.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant datasets which will

include the relevant information in the near future (and at that point the information will be in the public domain anyway).

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

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

This concludes our response to your request.

FOI review procedure

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at the address below or e-mail icoaccessinformation@ico.org.uk.

Your 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 Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are. This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



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ico.org.uk twitter.com/iconews
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For information about what we do with personal data see our [privacy notice](#)



Information Commissioner's Office