

3 October 2023

Case Ref: IC-255840-M8K4

Request

Please provide any policy documents or process or protocol documents which pertain to the appropriate action to take when receiving evidence or statements from a public body.

For example, if a member of the public X makes a complaint about a public body Y's failure to adequately respond to an FOI request, and Y makes certain statements, A, B and C in defence of the action they took, what actions would the ICO take in processing those statements? Please provide any policy, process or protocol documents to handle how staff treat statements from Y, including but not limited to processes, policies or protocol on fact-checking or verifying the statements to be true.

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.

We have considered the scope of your request to include information about our approach to FOIA casework, including our policies and processes.

We publish on our website the policies and the procedures we follow when delivering our services and responsibilities here: [Policies and procedures](#).

Our [FOIA EIR Casework Service Guide](#) provides details of our FOIA casework process. This guide is in the process of being updated and a revised version will be published in due course.

We have published our internal resource [Key questions for public authorities FOIA 2000](#) which provides details of the key considerations and questions case officers consider when writing and seeking information from public authorities. Section 1 states that *"In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities."*

Advice and Assistance

You may also find the following useful:

- We have previously disclosed our investigations manual on our [Disclosure Log](#) this outlines our approach to investigations relating to breaches of data protection legislation.
- [How we deal with complaints](#)
- [Determining whether we hold information](#)
- [FOI and transparency regulatory manual](#)

This concludes our response to your information 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



Information Commissioner's Office

Information Access Team
Risk and Governance Department
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