

24 November 2023

Case reference: IC-266882-H7N5

We are now in a position to respond to your information request of 29 October.

Request

"1) Please reveal the date on which this Website revision went live.

2) Please state which member of ICO staff requested this change, and the date of that request. If the request went through a chain of colleagues, please indicate the original source, and all subsequent members of that chain, along with their job titles.

3) Please provide the reason(s) given to the IT/Website Team, for making this revision to the Website.

4) In addition to the item illustrated on page 2 below, please list any other Website changes which were also made at the same time, due to the same request — and provide relevant screenshots.

5) Please list any additional update requests from the same colleague(s), which were not implemented back then (provide the reasons why not), or which are currently in the works, but have not yet gone live. (Include any NEW update requests which you now receive, up to the date of your response to my FOI Request.)

6) Please provide all correspondence between ICO staff (and any other parties who were involved) regarding these changes to the Website — including the dates and content of all messages. (If any elements are redacted, then please explain each instance.)"

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

Our response

We understand your request to relate to the change of wording on our website about the timeframe in which an FOI complaint should be brought to us as regulator.

We can confirm we hold information within scope of your request. Please find enclosed the recorded information to which you are entitled. Some of this has been redacted and further details are provided later in this response.

The decision to amend the wording on the website was discussed at a meeting of managers within the FOI department on 21 September 2023. This followed concerns that the existing wording did not make clear the starting point for the 6 week timeframe. This meeting was not minuted.

The change of wording was updated on our website on the following dates, 29 September 'Our service standards' and 30 October 'Before you complain'. A change was also made to the FOI complaint form on 11 October.

The last request to make a wording change was on 27 October, 'Before you complain'. There were no further requests or pending changes to the website about this issue (undue delay for FOI complaints).

We have provided 'marked up' screenshots of the two webpages before and after the changes were made.

Some of the information on page 2 has been redacted as it is not in scope of the request. Pages 12 and 15 have a copy of the screenshot contained in the preceding email (9 October) that did not display when the email was converted to PDF.

Section 40(2) FOIA

We have redacted some information under section 40(2) by virtue of section 40(3)(a)(i), which is the exemption in the FOIA concerning third party data. You can read our staff disclosure policy online [here](#).

Section 31(1)(g) FOIA

We have redacted some internal ICO email addresses pursuant to section 31 of the FOIA. This exemption refers to circumstances where the disclosure of

information, "would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case, the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

- a. the purpose of ascertaining whether any person has failed to comply with the law, and
- c. the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

We are satisfied that any misuse of internal non-public facing email addresses that exist to support ICO staff would likely prejudice our ability to perform our regulatory functions. Public disclosure would leave these email addresses vulnerable to phishing or other cyber-attacks, spam, or an increased volume of irrelevant correspondence which would divert our limited resources away from our regulatory work.

There are other channels that are more appropriate for the public to contact us, and these are publicly available on our website.

The exemption at section 31(1)(g) is not absolute. When considering whether to apply it in response to a request for information, there is a 'public interest test'. That is, we must consider whether the public interest favours withholding or disclosing the information.

In this instance, the public interest factors in favour of disclosing the information are as follows:

- Increased transparency in the way in which the ICO conducts its operations.

The public interest factors in maintaining the exemption are as follows:

- Internal email addresses being utilised for purposes contrary to their intended purpose will reduce the effectiveness and efficiency of our regulatory functions.
- The disclosure of the information is not of primary relevance to the request.
- The public interest relating to transparency is met by the provision of several other and more appropriate means of contacting the ICO.

Having considered all of these factors, we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

This concludes our response to your request. We hope you found this information helpful.

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 sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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