

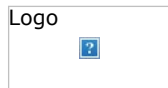
From: [Mike Lea-O'Mahoney](#)
To: [Ben Tomes](#); [Joanna Marshall](#); [Gerrard Tracey](#); [Phillip Angell](#); [Alexander Ganotis](#); [Amie Murray](#); [Pam Clements](#)
Subject: RE: Actions from todays manager meeting
Date: 27 September 2023 07:50:00
Attachments: [image001.jpg](#)
[image002.jpg](#)

That captures our agreed position Ben. "in most cases" still gives us wriggle room to knock out a request from way back when if it appears unreasonable, i.e. frequent flyer who knows about the ICO / request from 2005...

From: Ben Tomes <Ben.Tomes@ico.org.uk>
Sent: Tuesday, September 26, 2023 4:05 PM
To: Joanna Marshall <Joanna.Marshall@ico.org.uk>; Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>; Gerrard Tracey <Gerrard.Tracey@ico.org.uk>; Phillip Angell <Phillip.Angell@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>
Subject: RE: Actions from todays manager meeting

suggested hybrid

If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so within six weeks of receiving the internal review outcome. Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that we will not consider the matter at all. If the public authority has still not provided you with an initial response to your request, then in most cases we will progress your complaint whatever time has elapsed since you made your request.

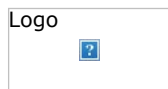


Ben Tomes
Group Manager – FOI Casework

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From: Joanna Marshall <Joanna.Marshall@ico.org.uk>
Sent: Tuesday, September 26, 2023 2:59 PM
To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>; Gerrard Tracey <Gerrard.Tracey@ico.org.uk>; Phillip Angell <Phillip.Angell@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Ben Tomes <Ben.Tomes@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>
Subject: RE: Actions from todays manager meeting

I'd go for the second one.



Joanna Marshall
Group Manager FOI Casework

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ico.org.uk twitter.com/iconews
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From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Sent: Tuesday, September 26, 2023 2:57 PM
To: Joanna Marshall <Joanna.Marshall@ico.org.uk>; Gerrard Tracey <Gerrard.Tracey@ico.org.uk>; Phillip Angell <Phillip.Angell@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Ben Tomes <Ben.Tomes@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>
Subject: RE: Actions from todays manager meeting

Following today's 2pm, we discussed the suggestions to reference timeliness cases. Any thoughts on the below?

If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so within six weeks of receiving the internal review outcome, unless you are still waiting to receive an initial response. Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that we will not consider the matter at all.

Or...

If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so within six weeks of receiving the internal review outcome. Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that

we will not consider the matter at all. If the public authority has still not provided you with an initial response to your request, then in most cases we will progress your complaint.

From: Joanna Marshall <Joanna.Marshall@ico.org.uk>

Sent: Tuesday, September 26, 2023 1:40 PM

To: Gerrard Tracey <Gerrard.Tracey@ico.org.uk>; Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>; Phillip Angell <Phillip.Angell@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Ben Tomes <Ben.Tomes@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>

Subject: RE: Actions from todays manager meeting

Agree with keeping it simple, my only concern about leaving out ref. to s.10 is that it reads as if we will only consider complaints once an IR is issued, which isn't the case.

Joanna



Joanna Marshall
Group Manager FOI Casework

My working days are Tuesday-Fr day

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From: Gerrard Tracey <Gerrard.Tracey@ico.org.uk>

Sent: Monday, September 25, 2023 3:29 PM

To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>; Phillip Angell <Phillip.Angell@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Ben Tomes <Ben.Tomes@ico.org.uk>; Joanna Marshall <Joanna.Marshall@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>

Subject: RE: Actions from todays manager meeting

Looks fine to me Mike.

Ged

From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Sent: Monday, September 25, 2023 2:05 PM

To: Phillip Angell <Phillip.Angell@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Ben Tomes <Ben.Tomes@ico.org.uk>; Gerrard Tracey <Gerrard.Tracey@ico.org.uk>; Joanna Marshall <Joanna.Marshall@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>

Subject: RE: Actions from todays manager meeting

Undue delay – have updated the service standards wording (attached). I think we should keep it brief and simple so have specifically referred to internal review outcome and not discussed s10 scenarios so as to leave us discretion in that area.

Let me know if you are happy with the suggested line and I'll contact website updates?

Cheers
Mike

From: Phillip Angell <Phillip.Angell@ico.org.uk>

Sent: Thursday, September 21, 2023 1:00 PM

To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>; Alexander Ganotis <Alexander.Ganotis@ico.org.uk>; Amie Murray <Amie.Murray@ico.org.uk>; Ben Tomes <Ben.Tomes@ico.org.uk>; Gerrard Tracey <Gerrard.Tracey@ico.org.uk>; Joanna Marshall <Joanna.Marshall@ico.org.uk>; Pam Clements <Pam.Clements@ico.org.uk>

Subject: Actions from todays manager meeting

Hi all,

Couple of actions agreed at our manager meeting today:

- Undue delay - [@Mike Lea-O'Mahoney](#) to look at the wording in the published service standards and draft revised wording to reflect that the 6-week time frame for undue delay applies to cases where an internal response has been provided. We will accept s10 cases and most where the IRR has not been provided.
- Action all – remind teams that if unsure whether undue delay applies to a case they should consult with their manager.



Cheers,

Phil



Phillip Angell

Head of Freedom of Information Casework

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Freedom of Information and Environmental Information Complaints

We want to improve public authorities' information rights practices and investigating your FOIA and EIR complaints will help us to do this.

We are the independent regulator of FOIA and the EIR. We handle complaints impartially and don't act on behalf of individuals or public authorities. The Commissioner does not investigate cases personally and has delegated this responsibility to case officers.

If you want to raise complaints with us about a public authority's handling of a request for information you have made, then we ask that you do so within six weeks of receiving [their final response or last substantive contact/the internal review outcome](#). Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that we will not consider the matter at all.

We will adopt early resolution principles where possible, ensuring that investigations are proportionate to the issues raised in the complaint. We will also explore resolving cases informally without a decision notice if it could resolve the complaint more quickly, use our resources more proportionally and result in a better outcome for all parties.

If the complaint is not resolved informally we will issue a decision notice. This is a formal document that records the Commissioner's decision in a particular case. It may require the public authority to take remedial steps. We aim to resolve 90% of FOIA and EIR complaint cases within six months of receiving an eligible complaint, and 99% of all complaints within twelve months of receipt.

During the investigation you can expect to be provided with updates and we will respond to your correspondence in line with the customer charter. We are committed to promoting equality and diversity in all we do. We will treat everyone with politeness and consideration, and expect the same in return.

We will use our formal powers in a impactful and proportionate way, in line with our Regulatory Action Policy. In particular we will issue information notices and decision notices, and will enforce these where required.

From: [Mike Lea-O'Mahoney](#)
To: [Website Updates](#)
Subject: request to update FOI service standards on our website
Date: 29 September 2023 12:05:00
Attachments: [service standards wording on website.docx](#)

Hi,

Please could you update the FOI service standards on our website with the attached changes?

[Our service standards | ICO](#)

Many thanks,

Michael Lea-O'Mahoney

Team Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 313 1641 ico.org.uk twitter.com/iconews

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From: [Mike Lea-O'Mahoney](#)
To: [FOI-1](#); [FOI-2](#); [FOI-3](#); [FOI-4](#); [FOI-5](#); [FOI-6](#); [FOI-7](#)
Subject: Updated undue delay template and guidance
Date: 29 September 2023 12:21:00
Attachments: [image001.png](#)

Hi everyone,

This will mainly be relevant for anybody who works received cases.

Since April this year, our undue delay timeframe has been 6 weeks.

Following a review of the policy, we are updating our service standards on the ICO website to explain that 6 weeks applies once the internal review has been provided, rather than the slightly ambiguous wording about "last meaningful contact" or "final response".

Therefore, if you are working a received case where a complainant wishes to appeal against an internal review outcome which was issued more than 6 weeks ago, close the case for undue delay.

In terms of timeliness complaints, this 6 week period won't apply. It is the public authority's fault, not the complainant's, that a response remains outstanding. Please therefore progress timeliness complaints as normal, i.e. send out s10 or reg 5(2) letters, rather than closing the case for undue delay, even if the request is outside that 6 week window.

We will still reserve the right to close a timeliness complaint for undue delay, i.e. a request made on WDTK in 2019 and there have been no chasers or similar. For the vast majority of timeliness complaints, however, we won't be considering undue delay. If you are unsure about a particular case, please speak to your manager.

The undue delay template has been updated in SharePoint.



Thanks,

Michael Lea-O'Mahoney

Team Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: [Mike Lea-O'Mahoney](#)
To: [Amie Murray](#)
Subject: RE: Updated undue delay template and guidance
Date: 09 October 2023 14:34:00
Attachments: [image003.png](#)

Amie this is a really useful spot. I'll flag this with Comms.

If you see anymore similar let me know.

I'll ask that it meets the below from our updated service standards; [Our service standards | ICO](#)

If you want to raise a complaint with us about a public authority's handling of your request for information, then we ask that you do so within six weeks of receiving the internal review outcome. Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that we will not consider the matter at all. If the public authority has still not provided you with an initial response to your request, then in most cases we will progress your complaint.

Mike

From: Amie Murray <Amie.Murray@ico.org.uk>
Sent: Monday, October 9, 2023 2:28 PM
To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Subject: RE: Updated undue delay template and guidance

Hi,

Following on from your email below from a couple of weeks ago, I just wanted to flag something from our session with DP this morning.

One of the LCOs from PADPCS asked if our undue delay wording is included in the complaint form process for FOI complaints. We confirmed that it is, but it's flagged to me that we may also need to change the wording of this too.

Unsure if the link will carry because it's at the end of the pre-set questions - [FOI and EIR complaints | ICO](#) - But in case it hasn't, the wording says "You should complain to us within six weeks of the public authority's response or your last contact with them." As you've handled this with comms up to now it might be easier for you to pass this on, but I'm happy to if you've got your hands too full.

Thanks,

Amie

| [Amie Murray](#)

Logo



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From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Sent: Friday, September 29, 2023 12:22 PM

To: FOI-1 [REDACTED]@ico.org.uk>; FOI-2 [REDACTED]@ico.org.uk>; FOI-3 [REDACTED]@ico.org.uk>; FOI-4 [REDACTED]@ico.org.uk>; FOI-5 [REDACTED]@ico.org.uk>; FOI-6 [REDACTED]@ico.org.uk>; FOI-7 [REDACTED]@ico.org.uk>

Subject: Updated undue delay template and guidance

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The undue delay template has been updated in SharePoint.



Thanks,

Michael Lea-O'Mahoney

Team Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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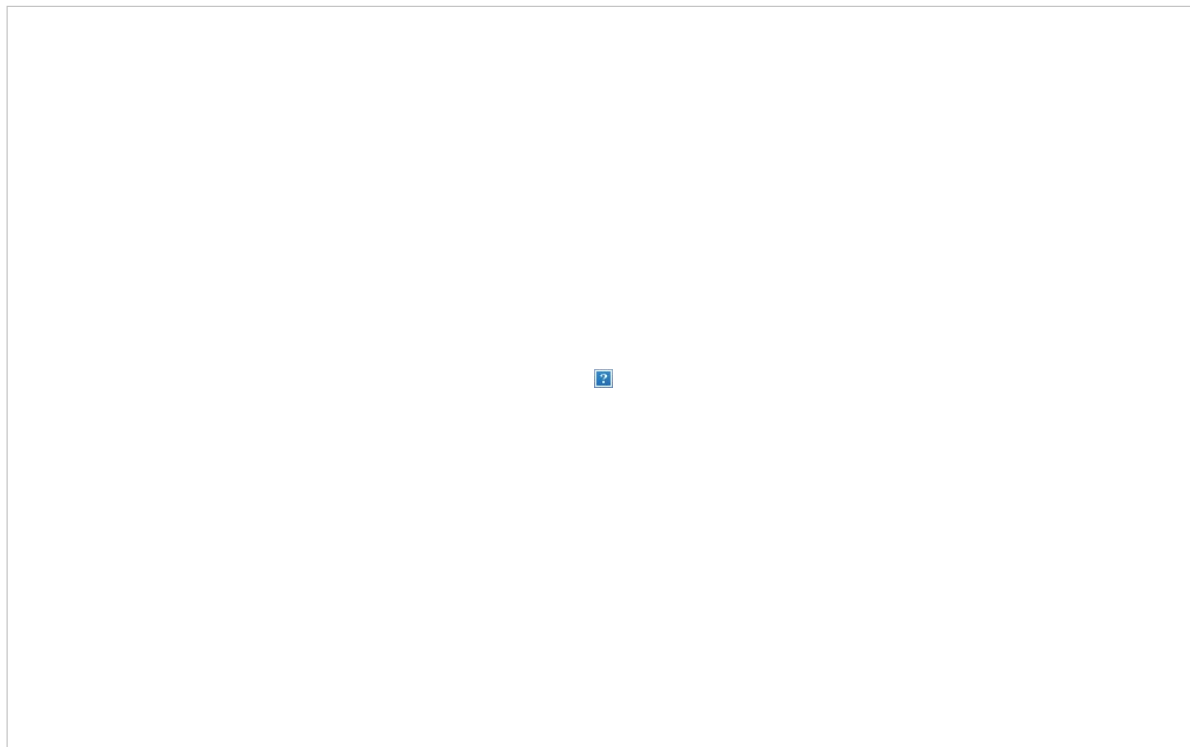
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From: [Mike Lea-O'Mahoney](#)
To: [Website Updates](#)
Subject: update to FOI complaint form
Date: 09 October 2023 16:22:00
Attachments: [image001.png](#)

Hi,

Please could the FOI online complaint form be updated as per the below?

[FOI and EIR complaints | ICO](#)



The sentence 2nd to last - **“You should complain to us within six weeks of the public authority’s response or your last contact with them”** – please could this be changed to...

“You should complain to us within six weeks of receiving the internal review outcome. Waiting longer than this can affect the decisions we reach. In most cases an undue delay will mean that we will not consider the matter at all. If the public authority has still not provided you with an initial response to your request, then in most cases we will progress your complaint.”

Many thanks,

[Michael Lea-O'Mahoney](#)

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Complain to the ICO

If you get a outcome to an internal review and you are still unhappy with the result - you can complain to us.

Where possible we will try and resolve your complaint informally.

When we do take formal enforcement action this will likely be in the form of a decision notice.

A decision notice is a formal document that explains whether the Information Commissioner thinks a public authority has complied with the law when dealing with a specific request. The notice might instruct the public authority to take steps to comply with the law, which could include telling the authority to provide you with some or all the information you requested.

When you complain, you need to provide us with:

- a copy or evidence of your request for information;
- the public authorities response to your request;
- your request for an internal review; and
- the outcome of the internal review.

We record the outcome of your complaint to inform our work.

You should complain to us within six weeks of the public authority's response or your last contact with them.

Please note: We cannot award compensation.

[Make a complaint →](#)

From: [REDACTED]
To: [Mike Lea-O'Mahoney](mailto:Mike.Lea-O'Mahoney@ico.org.uk)
Subject: RE: update to FOI complaint form
Date: 11 October 2023 12:03:00
Attachments: [image002.jpg](#)
[image003.png](#)

Hi

Thanks, I've made this change.

Thanks

[REDACTED]



[REDACTED]

Communications Officer (Digital and Creative)
Corporate Communications

[REDACTED]

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T: [REDACTED] ico.org.uk twitter.com/iconews
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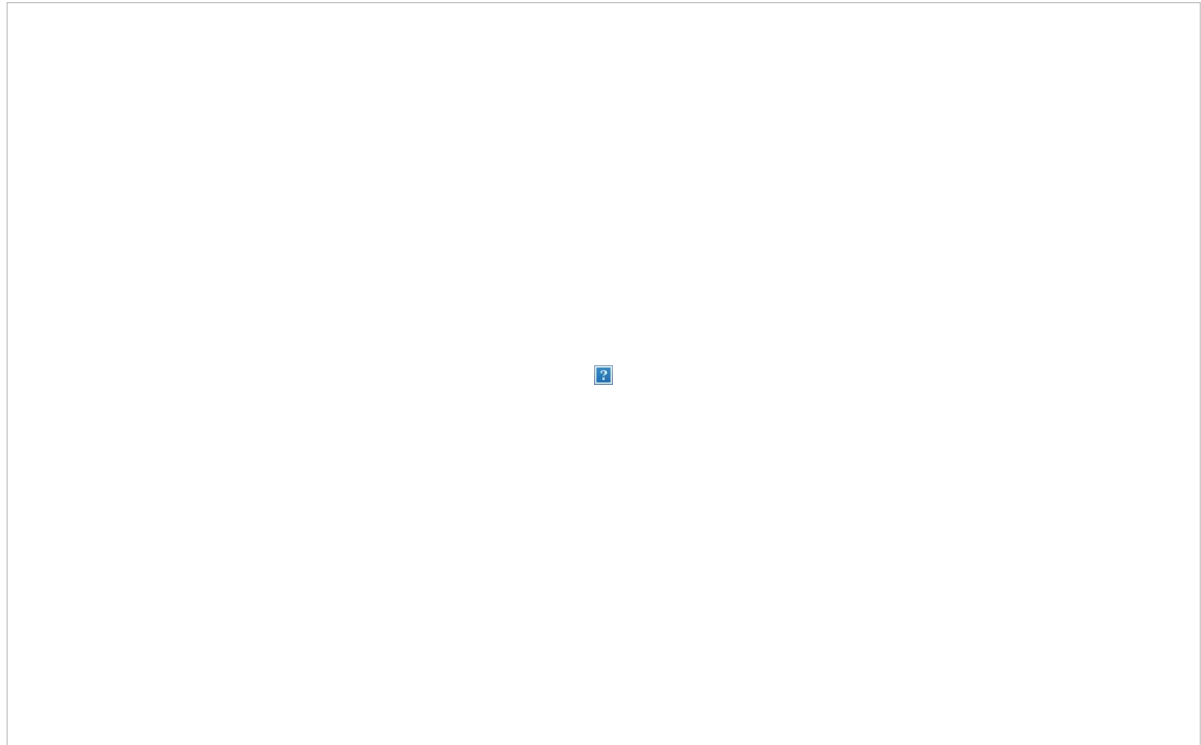
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From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Sent: Monday, October 9, 2023 4:22 PM
To: Website Updates [REDACTED]@ico.org.uk>
Subject: update to FOI complaint form

Hi,

Please could the FOI online complaint form be updated as per the below?

[FOI and EIR complaints | ICO](#)



The sentence 2nd to last - **"You should complain to us within six weeks of the public authority's response or your last contact with them"** - please could this be changed to...

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Many thanks,

[Michael Lea-O'Mahoney](#)

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- a copy or evidence of your request for information;
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- your request for an internal review; and
- the outcome of the internal review.

We record the outcome of your complaint to inform our work.

You should complain to us within six weeks of the public authority's response or your last contact with them.

Please note: We cannot award compensation.

[Make a complaint →](#)

From: [Mike Lea-O'Mahoney](#)
To: [Amie Murray](#)
Subject: RE: Updated undue delay template and guidance
Date: 27 October 2023 09:24:00
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)

Yes comms are the people. Ideally we have caught everything now...

From: Amie Murray <Amie.Murray@ico.org.uk>
Sent: Friday, October 27, 2023 9:16 AM
To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Subject: RE: Updated undue delay template and guidance

Hey,

Would it be easier for me to contact comms (I'm assuming it's comms who will be able to change it), or do you have someone specific to contact?

Thanks,

Amie



Amie Murray

Team Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Sent: Friday, October 27, 2023 7:50 AM
To: Amie Murray <Amie.Murray@ico.org.uk>
Subject: RE: Updated undue delay template and guidance

Good spot. Anymore, update away.

Cheers.
Mike

From: Amie Murray <Amie.Murray@ico.org.uk>
Sent: Thursday, October 26, 2023 3:37 PM
To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>
Subject: RE: Updated undue delay template and guidance

Hi Mike,

I have another one of these where the undue delay policy isn't reflected accurately on the website – It came to light from a service complaint I'm handling where C has included a screenshot. As you've handled this up to now I figured best to flag with you.

The issue is on the [What to expect from the ICO when making an FOI or EIR complaint](#) page, where it states "You should complain to us within six weeks of the public authority's response or your last contact with them".

From what I have seen, this is likely to be the last bit of guidance remaining that doesn't clarify our policy. I've confirmed the C that I will escalate this to get it changed and better reflect our position.

Thanks,

Amie



Amie Murray

Team Manager – FOI Casework

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twitter.com/iconews

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From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Sent: Wednesday, October 11, 2023 1:27 PM

To: Amie Murray <Amie.Murray@ico.org.uk>

Subject: RE: Updated undue delay template and guidance

[FOI and EIR complaints | ICO](#)

Just to confirm Amie that this has now been updated to match the wording from our service standards.

Cheers

Mike

From: Amie Murray <Amie.Murray@ico.org.uk>

Sent: Monday, October 9, 2023 2:28 PM

To: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Subject: RE: Updated undue delay template and guidance

Hi,

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wanted to flag something from our session with DP this morning.

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Thanks,

Amie



Amie Murray

Team Manager – FOI Casework

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From: Mike Lea-O'Mahoney <Mike.Lea-O'Mahoney@ico.org.uk>

Sent: Friday, September 29, 2023 12:22 PM

To: FOI-1 [REDACTED]@ico.org.uk>; FOI-2 [REDACTED]@ico.org.uk>; FOI-3 [REDACTED]@ico.org.uk>; FOI-4 [REDACTED]@ico.org.uk>; FOI-5 [REDACTED]@ico.org.uk>; FOI-6 [REDACTED]@ico.org.uk>; FOI-7 [REDACTED]@ico.org.uk>

Subject: Updated undue delay template and guidance

Hi everyone,

This will mainly be relevant for anybody who works received cases.

Since April this year, our undue delay timeframe has been 6 weeks.

Following a review of the policy, we are updating our service standards on the ICO website to explain that 6 weeks applies once the internal review has been provided, rather than the slightly ambiguous wording about "last meaningful contact" or "final response".

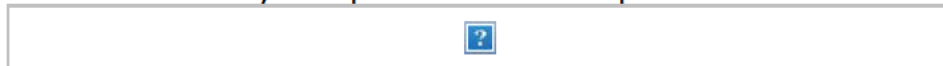
Therefore, if you are working a received case where a complainant wishes to appeal against an internal review outcome which was issued more than 6 weeks ago, close the case for undue delay.

In terms of timeliness complaints, this 6 week period won't apply. It is the public authority's fault, not the complainant's, that a response

remains outstanding. Please therefore progress timeliness complaints as normal, i.e. send out s10 or reg 5(2) letters, rather than closing the case for undue delay, even if the request is outside that 6 week window.

We will still reserve the right to close a timeliness complaint for undue delay, i.e. a request made on WDTK in 2019 and there have been no chasers or similar. For the vast majority of timeliness complaints, however, we won't be considering undue delay. If you are unsure about a particular case, please speak to your manager.

The undue delay template has been updated in SharePoint.



Thanks,

Michael Lea-O'Mahoney

Team Manager – FOI Casework

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

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From: [Amie Murray](#)
To: [Website Updates](#)
Subject: Website wording change
Date: 27 October 2023 09:49:08
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hi,

I believe that Mike Lea-O'Mahoney has recently contacted you about changes to wording regarding FOI casework's undue delay policy on the website. I'm aware that a number of areas have now been changed but I have found, what I believe to be, the last inconsistency which will need to be changed please.

The issue is on the [What to expect from the ICO when making an FOI or EIR complaint](#) page, where it states **"You should complain to us within six weeks of the public authority's response or your last contact with them"**.

Please can this paragraph be changed to:

"You should complain to us within six weeks of receiving the internal review outcome. In most cases an undue delay will mean that we will not consider the matter at all. If the public authority has not provided you with an initial response to your request, then you are asked to provide us with evidence that you have attempted to resolve this issue directly with the public authority in the first instance".

Thanks,

Amie



[Amie Murray](#)

Team Manager – FOI Casework

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