

29 November 2023

IC-268508-M6M7

Request

1. I would like to read any Guidance given to caseworkers (or any other employee) - when presented with cases when requesters have made requests to an organisationbut not through the specific 'right' department - presumably FOIA -departments.

And then received a non-response from the organisation.

2. What does the Information Commissioner's Office hold on record -other than the above online advice - which states how the request has to be managed by the requested organisationif it is sent to another department...say customer service.

And then not passed on to the FOIA department.

Is that request logged as a justified request once it has been received by an organisation, or not.

Because the online guidance doesn't seem to define this situation, as it does not mention the procedure that the organisation must carry out - legally, or in Information Commissioner's Office guidance

The Information Commissioner's Office must have come across this situation once, or twice.

I'm sure this would be helpful to requesters whose requests have been 'lost' in the system, as it must happen..if only occasionally.

We received your request on 6 November 2023.

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

Our response

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

Firstly, I should clarify that an FOI request is valid when it is received by a public authority, regardless of the team or department it is sent to.

Turning now to your request, the second part is so broad that it could include information potentially held in relation to any complaint we have received about section 10 of the FOIA (time for compliance).

Because of this, locating the full extent of the information we hold would require us to manually search the correspondence on thousands of cases. This would breach the cost limit set out in section 12 of the FOIA.

I have provided some more detail about the cost limit, along with some advice about the information which is of interest to you.

FOIA section 12

Section 12 of the FOIA makes it clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

In order to find information about the scenario set out in the second part of your request we would need to manually search the correspondence on thousands of cases, which would clearly be in excess of the cost limit.

Advice and assistance

The time limit for compliance with an FOI request starts when the request is received by the public authority, regardless of the department it was sent to.

Our FOI guidance on [receiving a request](#) says that requesters do not need to direct their request to a designated member of staff.

Our [guidance about timescales](#) says that the date of receipt is:

"the day on which the request is physically or electronically delivered to you, via a general or dedicated address, online portal, email address or directly into the email inbox of a member of staff".

The guidance also states: *"Remember, you still have a duty to deal with requests received anywhere within the public authority."*

If you wanted to find particular examples of this situation in our casework you could try looking through our published [Decision Notices](#), filtering the results by 'section' – 'FOI 10'.

I hope the information I have been able to provide has been 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](#) on our website.

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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