

28 November 2023

Case reference IC-268558-J7H4

Review of response to information request

I write further to your email of 19 November 2023 in which you requested a review of the handling of your request dealt with under the reference number IC-268558-J7H4.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result we have conducted an internal review of our response to your information request. I am a Team Manager in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 7 November 2023 we received a request from you which sought the following information:

Please, can you provide me with internal guidelines (compendiums, memorandums, dossiers, lines to take) that your caseworkers employ when:

Part A.- Evaluating whether to prioritize a request

Part B.- Dealing with Section 36 of the FOIA 2000

Part C.- Dealing with Section 41 of the FOIA 2000

Part D.- Dealing with Section 43 of the FOIA 2000

For the avoidance of doubt, this request does not ask for the guidance for organizations or complainants (I understand such information would fall within the scope of a s21 exception).

On 16 November 2023 we responded by providing you with various links to our website, as well as attaching various information in scope of your request, which consisted of four 'lines to take' and two 'casework advisory notes'.

Review

On 17 November 2023, you asked us to conduct an internal review, stating the following:

Thanks for your reply from 16-11-2023. I am issuing an internal review request (IRR) because I consider that, on the balance of civil probabilities, not all information in scope has been disclosed. Consider:

1.- Are there really no internal guides, case studies, LTTs for caseworkers dealing with: prioritization requests, s41, s43? Most of your internal material disclosed is for s35 and s36.

2.- Point (1) is particularly acute because, for priority requests, I dispute your caseworkers visit only the ICO blog when receiving a request and assessing it. And the caseworker guide is from 10/2022, whilst the new priority policy is from 03/2023. Re-consider this response, please.

As part of this review, we have conducted additional searches for information that we hold in scope of your request. We have located some additional information, which I have attached to this email.

The attached information consists of another 'casework advisory note' relating to Section 41, as well as a document entitled 'Prioritisation Decision Making'.

You will note that there is a small redaction made on the final page of the 'Prioritisation Decision Making' document, where we have redacted some third party personal data as it is exempt under section 40(2) of the FOIA.

With regards to your additional points, it may be useful for me to explain that our case handlers can and do utilise our published guidance when handling cases. They also have access to our previous decisions, as well as decisions made by the First Tier Tribunal, Upper Tribunal and other relevant courts. This means that case handlers will utilise internal guidance, published guidance / decisions and their own judgement to

make decisions. This includes in relation to prioritisation. In the event a case handler is unsure, they will discuss the case with their manager.

As you may be aware, our decisions are publicly available via our website in the [decision notices section](#). Our publicly available guidance and decision notices serve a number of purposes. They are a tool for our case handlers to use when making decisions and also a resource available for other public authorities, which promotes good practice and assists with their compliance with the law. We also publish this information in the interest of transparency towards the general public.

We do not hold any information in scope of your request in relation to Section 43. Accordingly, your internal review is partially upheld. I apologise for our initial oversight in missing the additional documentation we have now provided.

This concludes our response to your internal review.

Complaint procedure

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely

Robin Gennery



Information Commissioner's Office



Information Commissioner's Office

Team Manager

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