

20 December 2023

IC-276910-X2R5

Request

On 14 December 2023 you asked us for:

"data you may collect relating to people who make FOI related complaints. I'm interested only in anonymised statistics - nothing that is likely to identify any individuals. In particular, I am looking for data which might be used for assessing equality, diversity, or accessibility relating to your service users. Specifically: Any breakdown by the protected characteristics under the Equality Act of your service users making FOI complaints. The information should cover the most recent reporting period you report by."

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

Response

We hold information that falls under the scope of your request, insofar as we collect certain information about individuals who make FOI complaints to the ICO. However, to locate and extract all of the details that you have requested from our records would exceed the cost limit set out by Section 12 of the Freedom of Information Act 2000 (FOIA).

Section 12 of the FOIA makes 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.

Our case management system contains thousands of records relating to complaint cases, including those relating to the FOIA. The information we routinely collect could be electronically extracted but would likely be exempt, as

it is in most cases confined to the name and contact details of the complainant. We do not routinely collect other information about complainants, such as protected characteristics, although complainants may sometimes provide such details in their correspondence with us, for example if they require a reasonable adjustment, they might mention a disability.

However, in order to compile this information about complainants we would need to manually search through thousands of case records (each containing multiple items of correspondence and documentation), to check whether or not any of these individuals have disclosed additional information about themselves. Even if we were able to do this within the cost limit, individuals may report their individual characteristics or circumstances in different ways, which may make it difficult to compile the anonymised statistics you have requested, and to do so would require the request handler to make subjective judgements about how best to compile and categorise these.

It is unclear how representative or useful any results would be, given that many complainants do not disclose additional information about themselves as there is no requirement to do so as part of the complaints process.

We are not able to filter the contents of our case management system or conduct detailed keyword searches based on the criteria provided within the request, because the system we use does not enable us to do this, and, as mentioned, we do not routinely record such information. No time period or discrete list of characteristics have been specified so in order to respond we would have to consider all our records, and all characteristics that may fall within scope of the request.

We hold information relating to over 10,000 FOI complaint cases. Assuming it only took 1 minute to search each case (and in most cases it would take longer), this would involve over 160 hours of work, which is well above the 18 hours limit specified above. We therefore estimate that the time taken to locate the information requested would be considerably in excess of the 18 hours, which would accrue a charge of £450 or more, triggering the provisions of Section 12 of the FOIA. We are therefore refusing the request on this basis.

Advice and assistance

We publish some information about FOI complaint cases on our website, for example:

- [FOI complaints datasets](#)

- [Decision notices](#)
- [Annual reports](#)

You can also search information disclosed in response to previous FOI requests on our [disclosure log](#). We publish information about [research and reports](#) as well as [impact and evaluation](#) and surveys we've conducted for example see [IC-231339-G9S0](#).

We could consider requests for the types of complaints that people make in accordance with the FOIA, and the data sets we publish can be filtered by date, sector, outcome and other criteria. We could also consider more detailed requests about a limited number of cases, for example covering a particular time period, public authority or type of complaint (e.g. Section 10, Section 50 etc.).

However, any request that requires us to manually search large numbers of records is likely to exceed the appropriate limit, and it is also worth mentioning that we cannot guarantee the accuracy of the results provided following a manual search. Consideration can also be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

This concludes our response to your 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](#) 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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