

21 December 2023

Case reference: IC-272755-D0Q1

We are now in a position to respond to your information request of 27 November.

Request

"Can you provide the information of the number of people requesting for information in the last 3 years and the number of people that had successful information. Also the number of unsuccessful requests and the reasons to why some information is usually rejected and what is approach taken when evaluating a request."

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

Our response

We publish information about our request handling performance on our website [here](#) (see last section on page). This includes the number of information requests, the legislation the requests were handled under and case outcomes. We also provide descriptions of the case outcomes we use. This casework information is available from quarter 1 2019/20 to quarter 2 2023/24.

The equivalent information for quarter 3 2023/24 is due to be published by the end of January 2024. As such, we are withholding this information (quarter 3 2023/24) under section 22 of the FOIA as it is intended for future publication. Further information on this exemption is provided later in the response.

We note in your request you have asked for the 'number of people' making information requests. Whilst we do occasionally receive requests from more than one person, for example a couple asking for their personal data on a joint complaint case, it is unusual. The overwhelming majority of requests are submitted by a single individual.

If you require further information on the breakdown of exactly how many individuals have made requests, please advise and we can look into this for you.

Please find enclosed a report on the 'withheld reasons' recorded on our casework management system for completed cases. This report includes information up to 6 November 2023.

These categories apply to the relevant exemptions in the legislation for UK GDPR/DPIA (2018), FOIA (2000), EIR (2003) and includes other information rights requests under data protection legislation. For example, requests for erasure, rectification or restriction of processing (see Articles 16 to 21 UK GDPR). Exemptions can apply to some or all of the information in scope of a request, and more than one exemption may be used in a response to an individual request.

You have used the terms 'successful information' and 'unsuccessful requests' but have not elaborated on how you define these. For example, this could be interpreted as where an information request has not been refused and information has been disclosed. However, there are other instances that may not fall within this interpretation, such as where information is not held.

We are therefore not able to provide you with the number of requests in each of the categories you have asked for, but hope the information available online and provided in this response enables you to make your own determination.

Advice and assistance

You have asked, "what is approach taken when evaluating a request". Our request handling is informed by the relevant legislation, published guidance and previous decisions on complaints, in case law and Tribunal rulings. Much of this information is available online but the following links may be helpful as a starting point in your area of interest.

[Request information from us - ICO](#)

[Decision notices - FOI and EIR - ICO](#)

[Guidance for organisations - ICO](#)

[First-Tier Tribunal \(General Regulatory Chamber\)](#) (www.gov.uk website)

Section 21 FOIA

The information within scope of your request which is publicly available is technically withheld under section 21 of the FOIA, which explains that we are not

required to provide information in response to a request if it is already reasonably accessible to you from another source.

Section 22 FOIA

We are withholding the information after quarter 2 2023/24 of our request handling performance (quarter 3 2023/24) under section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

In this case, the public interest factors in disclosing the information are:

- Encouraging openness and transparency by providing information about the ICO's compliance with relevant information rights legislation as a public authority and data controller.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing datasets which will include the relevant information in the near future (and at that point the information will be in the public domain anyway).
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

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](#)**