

19 January 2024

IC-278032-C1W9

Request

You asked us:

"For each of the last three years please answer the following questions:

- 1. How many times has the ICO found an institution to be at fault when it comes to contravening the FOIA?*
- 2. On how many of those occasions has the ICO then taken regulator action against the authority in the form of fines or other sanctions?*
- 3. How many times has the ICO supported complainants in making an application to a court for disclosure, such as offering practical help i.e. not just saying in vague terms that the complainant can apply to a court if they so wish?"*

We received your request on 20 December 2023

On 21 December 2023 you said:

"To assist question 3 can be narrowed down to when you fail to take regulatory action how many times do you assist the complainant beyond stating they can take the case to court themselves."

For question 3, you clarified that you would like this information in relation to Freedom of Information and Data Protection matters.

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

Our response

We confirm that we hold some information in scope of your request.

Question 1

Information about the FOI complaints that we have received is published in detail on our website, this information is available [here](#). The "decision" columns can be filtered to show the outcomes of the complaints that we have received. Where the ICO has issued a decision notice and found the public authority to be "at fault", this can be identified within the outcome columns as "upheld" or "partially upheld".

Please note, it is possible that the ICO may consider a public authority to be "at fault" on a case that has been "informally resolved" however this is not recorded within the outcome of an informal complaint.

Question 2

We publish information about the regulatory action that we have taken in relation to FOI complaints on our website [here](#).

As the information requested in questions one and two is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA. Section 21 states that we do not need to provide you with a copy of information when you already have access to it.

Question 3

The ICO has not provided assistance to complainants in the last three years that would fall within scope of your request. Therefore, no information is held regarding question three.

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 [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 set out your rights. Our retention schedule can be found [here](#).

Yours sincerely,



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