

31 January 2024

IC-282052-L9Y4

Request

You asked us:

"I would like to make a request under the Freedom of Information act for all internal ICO email correspondence containing either the word "Tavistock" or the word "Mermaids" [not case sensitive], from 13 June 2019 to the present date."

We received your request on 12 January 2024.

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

Our response

It is not possible to confirm the extent to which we hold information falling within the scope of your request. This is because conducting the relevant searches would breach the cost limit at section 12 of the FOIA.

You may be aware section 12 of the FOIA makes clear that a public authority (such as the ICO) is not obliged to comply with a FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

The only possible way we could answer your request would be for us to ask each member of ICO staff to undertake searches on their email files. On January 16 2024 there were 1,111 individuals working at the ICO. In addition to this, we would also need to undertake searches on internal email inboxes which do not belong to individuals to ensure no relevant information was stored in them. We consider it reasonable to estimate that to search email accounts would take a minimum of 2 minutes per account, however, even if it took less than this the time required to undertake the searches would be well in excess of the section 12 FOIA cost limit.

We have a one year retention policy on our email accounts, however, our internal systems often have longer retention periods. We would therefore also need to undertake searches of these systems, for example our casework system, ICE 360, and our Electronic Document and records Management system (EDRM), Sharepoint, to locate internal correspondence which may be held there but no longer held in email accounts. This would be likely to be very time consuming, particularly in the case of our casework system as we are not able to search by key word.

To undertake the searches required to ascertain whether we hold information in scope would therefore be well in excess of the section 12 cost limit.

We would like to point out that we consider this request to be so broad and speculative that it appears to be a 'fishing expedition'. ICO [guidance](#) clearly states that requests which are random and unfocused can, in some circumstances, be refused as vexatious in reliance upon section 14 of the FOIA. As a result we considered carefully whether to refuse the request under section 14, however, having reviewed the online guidance we made the decision to refuse it under section 12 as we are unable to ascertain the extent to which we may hold information due to the scale of the required searches.

We have given some consideration as to how you may be able to narrow the scope of your request to bring this within the cost limit and to avoid any future request being refused under section 14 as explained above.

We would recommend that you think about what information you are trying to access. We publish a large amount of information about our regulatory work on our website which may help to understand what information we are likely to hold and what would be of interest to you.

We publish [data sets](#) which include information about the public concerns and organisations self-reported incidents we have dealt with. The data sets are published in a reusable format and can be filtered and searched for key words or terms. They include:

- Our reference number for the work completed;
- the type of work and legislation it falls under;
- the name of the organisation responsible for the processing of personal information;
- the sector the organisation represents;
- the nature of the issues involved;
- the date the work was completed; and
- the outcome following our consideration of the issues.

We also publish details of [action we have taken](#), such as civil monetary penalties and decision notices. In some cases this information is removed from our website following the relevant retention period, however, the information can often be accessed at the [Government web archive](#) which takes snapshots of websites at regular intervals.

Although I note that your current request relates to internal correspondence, you may wish to consider refining your request to stakeholder engagement with particular organisations as this would allow us to significantly reduce the searches by limiting the areas of the business who are likely to have been involved.

This concludes our response to your request. I appreciate this response may be disappointing, however, if you are able to revise your request we would be happy to consider any new request you may wish to make. I should point out that any reformulated request you may wish to make will be treated as a new FOI request, and the 20 working day time limit will begin again.

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

ico.

Information Commissioner's Office



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Strategic Planning and Transformation
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