

20 October 2023

IC-259455-G2W9

Request

You asked us:

"In the years 2020, 2021, 2022, and 2023, how many complaints did the ICO receive about Sussex Police not responding to subject access requests within the statutory time limit?"

"Does the ICO have evidence that Sussex Police had a backlog of subject access requests in 2022 and 2023?"

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

Our response

We will respond to each point of your request separately below.

In the years 2020, 2021, 2022, and 2023, how many complaints did the ICO receive about Sussex Police not responding to subject access requests within the statutory time limit?"

We have interpreted your request as being for the total number of complaints received by the ICO per year, specifically regarding Sussex Police not responding to SARs within the statutory timeframe. We can confirm that we hold some information in scope of your request.

The ICO structures [our complaints and concerns data sets](#) by financial year, rather than calendar year. For the purposes of this request, we have therefore conducted our searches by financial year, in line with our standard data set publication.

It is important to note that the ICO's retention schedule states that we only hold data protection complaint cases for two years following case closure. This means that we are unable to provide a total figure for the financial years 2019/20 and 2020/21. Further, given that this year is still ongoing, we are also unable to provide a total number of complaints for the year 2023/24.

This means we are not able to establish an accurate figure for the total number of complaints relating to this type of infringement as received by the ICO for the financial years 2019/20, 2020/21 and 2023/24. We are therefore only able to provide the totals for the financial years 2021/22 and 2022/23.

Due to limitations in our casework system, our cases are usually tagged only with the primary piece of legislation related to each case. This means that, where a case has multiple aspects to the complaint, it may be tagged more generally as relating to the right of access, rather than specifically under the parts of the legislation that set out the statutory timeframes for a response.

This means that, while we could perform an automatic search of our system for complaints primarily concerning SAR responses outside the statutory timeframe, we would need to conduct a manual search of cases tagged under the right of access to establish whether they fell within scope of your request.

In this case, we determined that a manual search would not exceed the cost limit set out under Section 12 of the FOIA.

Please see the table below for the total number of complaints in the years 2021/22 and 2022/23, along with a breakdown by outcome reached by the ICO.

	2021/22	2022/23
Total complaints	29	41
Infringement	19	30
Potential Infringement	5	0
No further action	4	11
Unassigned	1	0

Does the ICO have evidence that Sussex Police had a backlog of subject access requests in 2022 and 2023?

We confirm that we hold information about a backlog of subject access requests made to Sussex Police in 2022 and 2023. The ICO is aware of delays to Sussex Police's responses to SARs and we are monitoring their performance in this area.

We have recently concluded a consensual audit with Sussex Police. While the SAR backlog wasn't the sole focus of the audit, this topic did fall within the audit's scope. It may be of interest to you that we will soon be publishing an executive summary of this audit in the [action we've taken section](#) of our website.

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



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
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