

5 February 2024

IC-284965-R4J2

Request

On 25 January 2024 you made the following request:

I would like to know who it is that actually takes the decisions about more stringent regulatory action, and what metrics they use to guide their deliberations. For example, will a defined number of upheld complaints against an entity like LBWF in a defined period trigger further action, and so on? Please can you advise?

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

Response

The ICO does not base regulatory action on set non-compliance figures or metrics. Non-compliance is considered on a case-by-case basis, and decisions about regulatory action are taken in line with our [Regulatory Action Policy](#) and our [Strategic Plan](#). As a regulator we often educate organisations on best practice and advise them on action they should take to improve their information rights practices.

Regulatory action is taken through an evidence-based approach and in line with relevant [policies and procedures](#). We also publish manuals in relation to specific areas of our regulatory work, such as the [FOI Regulatory Manual](#), which includes a section on the triggers for action.

Responsibility for decision making in relation to regulatory action is referred to in the above documents and in other information that is already publicly available, including our [Investigations Manual](#) and the [Scheme of Delegations](#) which provides more general information about delegation of the the Commissioner's duties. As you will see, decision making is delegated by job grade, or in some

cases specific role, and may involve input from multiple teams and/or members of staff.

Technically the information you have requested (where we hold it) is exempt in accordance with Section 21 of the FOIA, as it is already publicly available. However, we have provided the links and some explanation for your reference.

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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