8 February 2024

IC-283491-T9K3

Request

"If held, please could you provide me with the number of SAR requests that were reported as overdue in 2023.

If you have any statistics or predictions on the state of Subject Access Requests in England or the wider UK please also supply these. Specifically I am looking for anything relating to the percentages of SAR's that are responded to after the one month deadline."

We received your request on 18 January 2024.

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

Our response

We hold information in scope of your request. However, locating the full extent of the information requested would breach the cost limit envisaged by section 12 of the FOIA.

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Our casework management system allows us to easily search for complaints we have received about subject access requests. However, it is not possible to differentiate between complaints about the timeliness of a request and any other reason for a complaint. For example, where exemptions were applied to the information.

In order to find this information we would need to manually search the correspondence on thousands of cases. To give you some idea of the volume of

cases we hold, we received over 12,000 complaints about the right of access in 2022/2023. The work required to manually search each of those cases would clearly be in excess of the 18 hours set out in section 12 of the FOIA.

Advice and assistance

Even if you were to significantly reduce the scope of your request - for example, by timeframe – the amount of work required to manually search through each case would likely still breach the cost limit. Any results obtained from such a search would not provide you with any meaningful data about the complaints we receive, and we would be unable to guarantee the accuracy of the results.

Consideration can also be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it, particularly given the issues regarding accuracy described above.

We do publish [datasets of complaints we have handled](#) which can be filtered to show complaints about Article 15 (subject access). However, as explained above this covers all complaints about subject access rights.

We also publish statistics about our casework in the [annual report](#).

We do not hold statistics or projections about the ratio of subject access requests responded to on time, but you may find the [research and reports](#) section of the ICO website useful.

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

Information Access Team
Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
For information about what we do with personal data see our privacy notice