

1 February 2024

IC-284966-R8K8

Request

On 26 January 2024 you made the following request:

1.- When an individual submits a large number of complaints over a short period of time, are there any guidelines/policies/memorandums that would lead to the complaints of that individual being treated less favourably in terms of processing time? Please detail them, or deny their existence as appropriate.

2.- On the flip-side, are there any official guidelines/policies/memorandums reminding staff that ICO complaints are applicant-blind and should all be treated under the cab-rank rule? This, of course, is with the exception of the 'priority' cases.

3.- In terms of complaints for no response (mute PA) after 20 working days, are there any guidelines/policies/memorandums from the ICO that would intentionally restrict or delay the issuance of the 'ICO to PA - 10 day letter' after the case has been validated? In other words: would a complaint against a mute PA received by you at day 21 enjoy exactly the same response under the same time-frames that one received by you at day 41?

On 30 January 2024 you clarified this request by explaining that it relates to complaints made in accordance with the FOIA.

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

Response

We do not hold any guidelines, policies or memorandums that fit the criteria specified in your request.

Advice and assistance

As you may already be aware, we have published information about [our prioritisation of FOI complaints](#) and [our approaches to prioritisation more broadly](#). We have also published our responses to information requests relating to this topic, for example [IC-268558-J7H4](#), [IC-189140-T8W8](#) and [IC-170730-L9H9](#). You can search for other responses on our disclosure log [here](#).

Our [policies and procedures](#) include guidance about complaint handling, and the main document governing this process for FOI complaints is our [FOI/EIR casework service guide](#).

In respect of point 1 of your request, if an individual submits a large number of complaints – particularly if they all relate to the same public authority – we may choose to deal with them as a batch rather than individually. This is because it makes it easier for us by avoiding duplicated effort. It also ensures greater consistency, for both parties, in the way the complaints are handled.

The practical consequences of this approach would be that sometimes the first complaint the individual submitted might be dealt with marginally later than would otherwise be the case, but generally this would average out over all the complaints (ie, the last-submitted complaint would often be dealt with quicker than it otherwise might) though this depends on capacity.

There is no formal process for this – it would be an operational decision based on the judgement of the appropriate manager.

In respect of point 2, there is no requirement in FOIA for us to treat complaints in an applicant-blind fashion. Indeed there are many circumstances in which it is important that we do take into account the identity of the person who complains – for example if we have previously agreed a reasonable adjustment. We may also want to take account of how we have dealt with their previous complaints – in order to ensure consistency.

Our [casework guide](#) does not refer to “applicant-blind” (or any similar term) but it does refer to case officers considering the individual merits or circumstances of each case (see for example paragraphs 1.8 and 3.38 in the guide).

In respect of 3, there may be capacity reasons why there are slight variations in the speed at which complaints are dealt with – but these would not be determined by the length of the delay of the public authority’s response.

If you are dissatisfied with the way a previous FOIA complaint has been handled by a public authority (or by the ICO), or if you have any other concerns, you can report them to us [here](#).

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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