

02 April 2024

ICO Case Reference IC-293133-X2B2

Request for information

Request received 10 March 2024:

"Pursuant to the Freedom of Information Act 2000, please supply statistics from the Information Commissioners Office which show what percentage (or absolute number) of DSAR complaints to the ICO were overturned on appeal. This data should be provided since the Data Protection Act 2018 came into force, in the following format:

	2018	2019	2020	2021	2022	2023	2024
<i>Total DSAR complaints received</i>	<i>As an absolute number</i>						
<i>Total DSAR decisions appealed</i>	<i>As an absolute number or percentage</i>						
<i>Total DSAR decisions overturned on appeal</i>	<i>As an absolute number or percentage</i>						

For the avoidance of doubt:

- A DSAR complaint is one in which a data subject complained about not being provided data or being provided with incomplete data*
- A DSAR decision is a ruling from the ICO either for or against the data subject*
- An appeal means an appeal by the data subject of the ICO's ruling*
- An overturned appeal is an appeal in which the ICO changed its ruling – typically in favour of the data subject"*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold information within the scope of your request. However, extracting the information to respond to your specific request would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

[The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(legislation.gov.uk\)](#) state that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Our case management system is unable to run a quick automated report on this type of information as we do not always record a reason for the complaint in a reportable field. When we close a data protection complaint case the Case Officer must select a 'Decision Legislation Reason'. One of the options is 'Art 15(3)(1) - Provide a copy of the personal data'. These cases would likely be in scope of your request. However, another case closure option is 'Art 15 - Right of access'. These cases may be in scope of your request, or they may relate to other infringements of Article 15.

In addition, the complaint submitted may be about no data or incomplete data being received in response to a SAR, but our decision when closing the case may differ. For example, someone may submit a complaint about not being provided data or being provided with incomplete data in response to a SAR, but we may find that the SAR was refused by the data controller as manifestly unfounded, and we might close the case under Article 12(5)(2)(b).

You can see examples of the different 'Decision Legislation Reasons' in our [Data protection complaints datasets](#) on our website.

To locate the specific type of complaints that you have requested would require a manual search of thousands of data protection complaint cases. As detailed in our [Annual reports](#), we receive thousands of data protection complaints every year. Each one would need to be read to ascertain if it is in

scope of your request. The time this would take would clearly exceed the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Advice and assistance

You could resubmit your request limited to cases where the outcome of the complaint was recorded as 'Art 15(3)(1) - Provide a copy of the personal data' and/or 'Art 15 - Right of access', for example. However, as explained above, this may capture complaints that are not specifically about incomplete data or no data being provided in response to a SAR, and exclude other relevant complaints.

Limiting your request in other ways, such as by timeframe or to specific organisations or sectors, would still require a manual search. Even if such a search would take fewer than 18 hours, we would need to consider if it is in the public interest for us to dedicate the resources necessary to conduct this kind of search, or whether it represents an unreasonable burden on us as a public authority.

It is also possible that were you to refine your request in a way to which we could respond, at least some information requested may already be published by the ICO. Please see below for details of the information that we already publish that may be of interest to you.

Further information

The 'Operational Performance' section of our [Annual reports](#) details the number of data protection complaints that we receive in each financial year, as well as a breakdown of the broad nature of the complaint.

We publish [Data protection complaints datasets](#) on our website along with other [Complaints and concerns datasets](#). You can filter these datasets by the 'Decision Primary Reason' column.

You can also filter the 'Status' column to see which cases were subject to a review. Please note that the ICO does not issue rulings for or against data

subjects. You can read about our [data protection complaint case outcome descriptions](#) on our website. If a complainant is unhappy with the outcome of their data protection complaint, they can ask for a review. Where the outcome of the review is 'upheld' the complainant successfully challenged our case decision.

Finally, please note that casework records are deleted in line with our [Retention and Disposal Policy](#) so we do not hold complete records as far back as you have requested. Our records for 2022 and earlier will be incomplete.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

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 [raise a complaint](#) 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.

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

Strategic Planning and Transformation

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For information about what we do with personal data see our [privacy notice](#)