

Date: 30 January 2024

IC-278360-Z1H4

Request

You asked us:

"When writing to complainants, the Information Commissioner often claims that he is unable to compel an organisation to provide information in response to a subject access request, despite the Commissioner's wide powers in S149 of the Data Protection Act. Complainants are told that they need a court order. I would like to request the following information about this issue.

- 1) Any standard letters or text held by the Commissioner to be sent to people who have complained about a subject access request*
- 2) Recorded information that shows (or summarises) the Commissioner's position on why he does not have the power to compel organisations to disclose personal data in response to a subject access request."*

We received your request on 31 December 2023. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

I have consulted with our Public Advice and Data Protection Complaints Service, Regulatory Enforcement Team and Knowledge Services team who are the teams that I consider are most likely to hold information in scope of your request. Following these consultations, I can confirm we do not hold information in scope of either part of your request.

The following is not recorded information: During my consultation, I was advised that we do not provide standardised letters for case officers on this topic, but encourage case officers to include any information in their response that is relevant for the individual complaint. Further, while the Commissioner does have the power to issue Enforcement Notices which can mandate action, these powers

are discretionary. Our [Regulatory Action Policy](#) sets out when we might choose to issue Enforcement Notices, including the mitigating and aggravating factors that we may take into account.

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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