

22 April 2024

ICO Reference: IC-291441-K7K9

Review of response to information request

I write further to your email of 25 March 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-291441-K7K9.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result we have conducted an internal review of our response to your information request. I am a Team Manager in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 1 March 2024 we received a request from you which sought the following information:

On 1st March, the Information Commissioner announced an enforcement notice and warning had been issued to the Home Office. The ICO issued a press release and Mr Edwards talked about the notice on Radio 4. The Commissioner's LinkedIn account erroneously claimed that people could read the enforcement notice "in full", when the link just led to the press release.

I would like to request the following information.

- 1) a copy of the enforcement notice*
- 2) a copy of the warning*
- 3) recorded information that shows why the Commissioner decided to publicise the notice and warning without publishing them*

On 25 March 2024 we responded by providing you with a link to our website which included PDF files of the enforcement notice and warning letter. We also provided you with an extract from an internal email with regards to part 3 of your request.

Review

On 25 March 2024, we received an email from yourself requesting an internal review of the case. I will address each of the points in your request for an internal review in turn:

'First, I requested a copy of the enforcement notice; the one that you published after receipt of my request has been redacted, and your response does not make reference to any exemptions. You should either disclose to me an unedited version of the notice or explain which exemptions apply to the information that has been withheld.

Even if the notice was available in full, I would like the person carrying out the internal review to consider whether S21 should have been cited in your response.'

Having checked the documents on the website link provided to you in our response of 25 March 2024, I cannot see that any redactions have been made to either the enforcement notice or warning letter.

With regards to whether Section 21 should have been cited, at the point we received your request the information was not publicly available. Section 21 was therefore not applicable at the time your request was received. However, during the course of processing your request, the information was published on our website. We then provided you with the relevant link to our website.

'Second, I would like the person considering the review to look again at the question of what information is held relevant to my question 3. Your response here means that a decision was taken to publicise formal enforcement action without making the decision notice available without any recorded discussion of why this was necessary, why the announcement could not wait until the notices had been redacted, and the Commissioner has no record of who took the

decision or who was consulted before it was made. As an organisation with your role, I find it remarkable that such a decision could be made with virtually no record of why.

I accept that the Commissioner and his staff may indeed make decisions in an informal, verbal manner with no records or evidence to fall back on, but I would like the person conducting the review to look at the question again.'

Having reviewed the searches and consultations carried out whilst processing your request, I am satisfied that you have been provided with the information we hold in scope of this aspect of your request. The information we disclosed was part of a wider email chain, in which communications plans related to the enforcement notice and warning letter were discussed. However, considering the relatively narrow wording of the 3rd part of your request which focused on 'why' the notice was publicised without the copies of enforcement notice / warning letter, it was assessed that the only information in scope was that which was disclosed to you.

For these reasons, your internal review is not upheld.

Complaint procedure

If you consider that your request for personal data has not been dealt with correctly under data protection legislation, you have a right of appeal to this office in our capacity as the statutory complaint handler under the GDPR and Data Protection Act 2018.

To make such an application, please write to our public advice and data protection complaints department at the address below, or visit the '[Make a complaint](#)' section of our website.

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely



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