

23 April 2024

IC-295194-P0H7: Internal Review Response

I write further to your email of 11 April 2024, in which you asked us to review the handling of your information request, processed under case reference IC-295194-P0H7.

My name is Sarah Coggrave and I am a Senior Information Access Officer. I can confirm that I have had no prior involvement in the handling of this request. My role is to review the application of the Freedom of Information Act 2000 (FOIA) in relation to your request.

Section 45 of the FOIA requires the publication of a code of practice, designed to assist public authorities handle requests under this legislation.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

Review

The purpose of this review is to look again at your request and the way it was handled.

Your request was as follows:

Please provide the date that the Humberside Police first applied for the ICO model Publication scheme.

Please provide the date that the ICO first approved the Humberside Police model publication scheme and how long was it approved for.

Please provide the dates when the ICO approved any modifications made to the Humberside Police model publication scheme and how long the modifications were approved for.

Please provide the dates when the ICO revoked any approvals regarding the Humberside Police model publication scheme.

Please provide the dates the ICO has sent the Humberside Police a statement of reasons for a refusal of their model publication scheme.

Please provide the dates the ICO reviewed the Humberside police publication scheme.

Please provide the dates that the Humberside Police became compliant with all the elements of the ICO model publication scheme document

The request handler confirmed that no information is held, and that public authorities are not required to inform the ICO that they have adopted the model publication scheme. A link to the relevant part of our guidance was also provided.

I have reviewed the handling of the request and agree that the response is correct. We do not hold any information that falls within scope of the request, and the guidance the request handler linked to, provides some further explanation about this topic. However, I appreciate that there appears to be some misunderstanding surrounding our work in this area, so I have provided additional clarification below.

Your request appears to be based on an assumption that public authorities 'apply' for the ICO's model publication scheme and then have their compliance reviewed by the ICO on a regular basis. This is not the case. The ICO has created [an approved model publication scheme for public authorities to use](#). Public authorities do not need to tell the ICO that they have adopted this. Our [guidance](#) to public authorities states that:

You should adopt the scheme and you need not tell the ICO you have done so. The model scheme is appropriate for all public authorities so you should not change it. You should also make sure you publish the information it covers.

You should also produce:

- a guide to information, specifying what information you publish and how it is available, for example, online or by contacting you; and*

- *a schedule of fees, saying what you charge for information.*

You should publicise the fact that information is available to the public under the scheme. You should make sure the model scheme, guide to information, and schedule of fees are all available on your website, public notice board, or in any other way you normally communicate with the public.

The [Freedom of Information Code of Practice](#) also states that "*The Information Commissioner's Office has approved a model publication scheme which public authorities should use in the first instance.*"

As part of my review I also considered Section 16 (duty to provide advice and assistance), but am of the view that the response was sufficiently clear in stating that no information is held, and that the request handler signposted to relevant resources on our website. The additional information I have provided above reiterates this, and is already available online, although I hope that highlighting the relevant sections here has provided some clarification.

While I appreciate that the response to your information request was not what you were expecting, and that this may be disappointing, I do not uphold your request for internal review. This is because I consider that the response provided was correct and compliant with the legislation.

I have noted your comment asserting that "*the ICO has never for filled it's statutory obligation and responsibility under section 20 of the FOIA concerning the Humberside Police Publication Scheme*", but rather than relating directly to the information request this appears to refer to concerns about the ICO's work in relation to a particular public authority.

If you have concerns about the ICO or the way we have handled any complaints raised with us, please see details of how to pursue this further [here](#).

If you have concerns about a public authority or a data controller, you can submit a complaint to us [here](#).

If you disagree with the outcome of this internal review, and want to pursue this further, please follow the next steps provided below.

This concludes my response to your internal review.

Complaint procedure

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/>

Your rights

Our [privacy notice](#) explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for [an information requester](#). Our retention policy can be found [here](#).

Yours sincerely,



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