

24 April 2024

IC-297883-Y7G2

Request

You asked us:

Last month, the Commissioner received an FOI request about the number of staff currently suspended from their roles. Instead of answering the request, the Commissioner asked for proof of ID from the applicant, and so the request has gone unanswered. For clarity, this is a link to the request in question.

https://www.whatdotheyknow.com/request/request_for_number_of_staff_susp

I would like to make a request based on that one.

1) How many staff working for the Commissioner are currently suspended?

2) Of those people, what is the longest period of time a person has been suspended for? Please note that I am not requesting the reason for the suspension, just the length of time.

3) A summary of recorded information that shows why the Commissioner decided to ask for proof of ID from Donald Salisbury, the applicant who made the previous request.

4) Any internal guidance or training about checking the ID of FOI applicants that has been issued to staff handling requests in the Commissioner's Office.

We received your request on 3 April 2024.

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

Our response

In response to parts 1 and 2 of your request we neither confirm nor deny whether we hold information falling within the description specified in your request. The duty at section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) does not apply by virtue of the exemption found in Section 40 of the FOIA concerned with personal information, specifically Section 40(5B)(a)(i).

This part of the FOIA provides that the duty to confirm or deny does not arise if providing the confirmation or denial would contravene any of the data protection principles.

In this instance we consider that to confirm or deny whether we hold any information pertaining to your request would be in breach of the first data protection principle. This can be found at Article 5(1)(a) of the GDPR and states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

This should not be taken as an indication that the information you requested is or is not held by the ICO.

The only information we hold which would be within scope of part 3 of your request is the letter sent on 29 February 2024 asking the requester to provide identification as we believed they may be using a pseudonym. As the only recorded information which falls within scope is already [publicly available](#) we do not consider it necessary to create a summary in response to your request. The letter itself is technically exempt under section 21 of the FOIA.

In response to part 4 of your request, we do not hold any information which falls within scope. This is because there is no specific training or guidance issued to members of the Information Access Team (IA) about checking the ID of applicants.

We have identified some information which may be of interest to you, although we do not consider that it falls within the scope of your request.

All IA officers attend internal FOI training, which includes information about what makes a valid request. In particular [Module 1 part 2](#) refers to a 'real name' in relation to valid requests.

When considering asking for ID in individual request cases IA officers would consider the guidance available for all public authorities on the ICO website. In particular:

[Recognising a request made under the Freedom of Information Act \(section 8\)](#)

[Consideration of the applicant's identity or motives](#)

This concludes our response to your request. We hope the information provided is useful.

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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