

02 May 2024

## **ICO Case Reference IC-300846-M2W1**

### **Request for information**

Request received 11 April 2024:

*"Can you please share the legal framework for publishing us as a named business",* regarding the information pro-actively published in the ICO [Complaints and concerns data sets](#).

To the extent that it is possible, 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**

Public authorities are obliged, under section 1 of the [Freedom of Information Act 2000 \(legislation.gov.uk\)](#), to disclose information they hold unless an appropriate exemption applies. This includes datasets. Section 11(5) of the FOIA defines the term 'dataset'. Public authorities are also obliged under section 19 of the FOIA to have and adhere to a publication scheme.

To the extent that we can treat this as an FOI request, we do hold information in scope. You can read [Publication schemes: a guide](#) on the ICO website. Our [Model Publication Scheme](#) is also available online, as is the related guidance for [Non Departmental Public Bodies](#) and what they should be providing under a publication scheme.

You may be interested in our response to an earlier FOI request on this topic, case reference [IC-213777-X3D7](#). This response is published on our [Disclosure Log](#). In this response we have published the report presented to the Director of Corporate Planning, Risk and Governance at the ICO on 11 November 2021 regarding the publication of datasets. Some information has been redacted or withheld for the reasons outlined in the response letter.

You may also be interested in our [Communicating our Regulatory and Enforcement Activity Policy](#) which explains what we publish and why.

## **FOIA Section 21**

Because the information linked above is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA. Section 21 states that we do not need to provide you with a copy of information when you already have access to it. However, we have provided the links above for your convenience.

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 remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. 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, please see our [privacy notice](#)