

9 May 2024

IC-300351-M2T4

## Request

On 13 April 2024 you asked us:

- 1/ is an ico ruling on an FOI request legally enforceable.*
- 2/ how many FOI requests do you investigate in the past 12-month period from today's date.*
- 3/ how many FOI request decisions are over turned by the ico in the past 12-month period from today's date.*
- 4/ what is the percentage of FOIs are over turned by the ico in the 12-month period from today's date.*

You sent a follow-up request on 30 April 2024:

- A/ So, how many FOIs have the ico overturned.*
- B/ how many FOIs have the ico have been asked to look at.*
- C/ how many FOIs relate to Police forces.*
- D/ how many FOIs relating to Police forces have been overturned*

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

## Our response

We hold information in scope of your request.

Question 1 is not a request for recorded information we hold. However, we can confirm that we do have [enforcement powers under the FOIA](#).

Information about the number of FOI complaints we handle and the number of complaints we uphold can be found in our [FOI casework datasets](#).

Datasets are currently available for a two-year period until the end of December 2023. This information is withheld under section 21 of the FOIA, which exempts information that is already reasonably accessible to the applicant.

Information for the period between January 2024 and the date of your request is withheld under section 22 of the FOIA because it is being held for future publication. We explain this exemption in further detail below.

We do not hold a figure for the percentage of complaints that are upheld, but you can this information yourself using the datasets. This information is therefore withheld under sections 21 and 22 as outlined above.

You can filter the datasets to include the data controllers you are interested in.

We also publish figures about our FOI casework in our [annual report](#). The annual report for 2023/24 has not yet been published.

## **FOIA section 22**

We update our datasets regularly and the information you have requested will be made available in due course.

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

In this case the public interest factors in disclosing the information are:

- Providing information regarding public authorities on whom complaints have been made regarding their compliance with the FOIA and encouraging openness.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant datasets which will include the relevant information in the near future (and at that point the information will be in the public domain anyway).
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests we receive would not be an efficient use of resources when we intend to publish this information in due course anyway.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

### **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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