

26 April 2024

IC-297086-M4K5

Request

You asked us:

- "1. For the year 2022/23, please provide the number of instances where you chose not to enforce decision notices even though you believed they had not been complied with.*
- 2. For the year 2022/23, please provide the number of service complaints you received from individuals disputing your claims that decision notices were complied with.*
- 3. For the years 2020/21, 2021/22 and 2022/23, please provide the number JR claims brought against you by individuals in respect of decision notices you did not enforce even though you believed they had not been complied with."*

We received your request on 27 March 2024.

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

Our response

I can confirm we hold information falling within the scope of your request, however have to confirm that locating the full extent of the information requested would breach the cost limit envisaged by section 12 of the FOIA.

I have provided some more detail about why this is the case in this instance below, along with some advice about how a refreshed request, with a more narrow scope, may elicit information which is of interest to you.

FOIA section 12

Section 12 of the FOIA makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Your first question would breach the costs limit in s.12. We issued 2,850 Decision Notices in the financial year 2022-2023 and can identify from the data we hold that compliance was ordered on just over 900 of them. We are not however able to determine whether we had evidence that the PA complied and, if not, what action was or was not taken, without manual searches of each case file. If that search took 3 minutes per case (and it is likely to take longer in some instances) this would amount to over 45 hours of searching, far in excess of the 18 hour limit under s.12.

Advice and assistance

We cannot advise you of a way to revise the first part of your question, as the only way that this could be revised in order not to breach the costs limit would be to reduce the date range so significantly that the information that we would be able to provide would not represent a reliable picture of the way that the ICO handles such cases. The value of this information would be disproportionate to the amount of time required to find it and we would need to consider whether it would be appropriate to refuse such a request on the grounds of burden.

Although your second question would require manual searches, it would not breach the costs limit in itself and could be responded to if submitted as a stand-alone request.

We can advise that we hold no information within the scope of question three as there have been no such judicial review claims.

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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