

24 May 2024

Case reference: IC-304646-Y9F5

We are now in a position to respond to your information request of 2 May.

Request

"Scope 2023/24 financial year.

Please state how many times Information Commissioner's Office officers visited the premises of organisations which stated that requested data did not exist, to check for themselves that it did - or did not - exist."

You gave the following information to provide context to your request.

"There must be times when Information Commissioner's Office may not believe that organisations always state the truth 100percent of the time - when they state data does not exist....but should logically do so.

The Ombudsman investigates organisations' premises - to check information given by organisations, instead of just agreeing with them.

This request is aimed to find out if the Information Commissioner's Office does likewise, rather than just: 'Taking the organisation's word for it', ...which would seem to create an huge imbalance of justice between the requester and the organisations concerned."

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

Our response

We understand your request relates to section 50 complaints to us as regulator under the FOIA. Specifically, where the complaint is about a public authority responding to a requester that information is not held within scope of their FOI request.

We have consulted with our FOI complaints team and can confirm we do not hold any instances where we have visited a public authority in these circumstances in the 2023/24 financial year.

It may help to explain that we assess whether a public authority holds information within scope of a request on the balance of probabilities. In order to make this judgement, we ask public authorities as part of our investigation to provide us with details of the searches they have undertaken. For information to be 'held' for the purposes of FOIA, public authorities are required to conduct 'reasonable searches'. Please see our guidance to organisations on this via the webpage [Information you hold for the purposes of FOIA](#).

If we determine that the public authority has not conducted reasonable searches and/or we consider on the balance of probabilities the information may be held, we may ask them to conduct further searches. These additional steps can form part of the decision notice. An example of this can be found in decision notice [IC-246880-T9P7](#).

You may also find the following ICO webpages useful in your area of interest.

[FOI casework guide hub](#)

[FOI and Transparency regulatory manual 2023](#)

[FOI complaints and ICO enforcement powers](#)

[Responses to the consultation on a prioritisation framework](#)

This concludes our response to your request. We hope you found this information helpful.

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 [here](#).

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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For information about what we do with personal data see our [privacy notice](#)