

24 May 2024

Case reference: IC-304648-Q2D2

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

Request

"Scope- financial year 2023/4. Could please tell me the number of :

- 1. Complaints received by the Information Commissioner's Office.*
- 2. Fully upheld complaints - with a Decision - in favour of the complainant*
- 3. Partial Decisions - in favour of the complainant*
- 4. Decisions in favour of the organisations complained about - so not pursued formal decisions.*

[5] 4. Public complaints which the Information Commissioner's Office decided had no merit and were closed immediately, without formal investigation.

[6] Plus, if the data exists, the percentage of public complaints that are dismissed - in favour of the organisations concerned."

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

Our response

Given the terminology you have used, we understand your request to be in relation to complaints to us as regulator under section 50 of the FOIA. We publish details of our completed FOIA complaints casework on our website. Further details on where to find this information is provided below.

The total number of complaints we receive each financial year is available in our annual reports online [here](#). The report also includes the number and percentage of complaints closed by case outcomes: 'No further action – no action', 'Decision note served', 'Informal action taken – informally resolved', 'No further action – informally resolved', 'No further action – not information rights'. As well as the breakdown where a decision notice is served ('Upheld', 'Not upheld', 'Partially upheld'). The 2023/24 annual report will be published in due course.

We do not hold a percentage of complaints that matches your description for 'complaints dismissed in favour of the organisations concerned'.

We also publish information on our completed casework in our online [datasets](#). These are currently available up to quarter 3 of the 2023/24 financial year. Quarter 4 will be published in due course. The datasets include the case outcome, date received and date closed, and can be filtered accordingly. Please note, these reflect the data on the date they were extracted from our casework management system.

The decision notices we issue in response to FOIA complaints are published online [here](#). These can be filtered by those where the complaint was 'not upheld', 'upheld' and 'partly upheld', and by date range.

Further detail on the FOIA [case outcome descriptions](#) we use is available online. This will enable you to make a determination on the case outcomes that match the situations you have described in your questions.

The published information within scope of your request is technically withheld under section 21 of the FOIA, which explains that we are not required to provide information in response to a request if it is already reasonably accessible to you from another source.

With regards to information that is due to be published (2023/24 annual report and quarter 4 2023/24 dataset), this is being withheld pursuant to section 22 of the FOIA as it is 'being held for future publication'. Further information on this exemption is provided below.

Section 22 FOIA

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

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:

- Encouraging openness and transparency about our FOIA complaints casework as regulator.

The factors in withholding the information are:

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

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

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](#)**