

Date: 20 May 2024

Case Reference IC-296684-B4Q4

Review of response to information request

I write further to your email of 22 April 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-296684-B4Q4

As a result, we have conducted an internal review of our response to your information request which was handled under the above reference number. I am a Group Manager in the Information Access Team, and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 24 March 2024 we received a request from you which said: *THG have told me that they replied to a letter from the ICO last year. Is it right that if I want to see that letter I need to do an FOI?*

This was acknowledged on 26 March 2024, with the request repeated in full within the acknowledgment email. We received no communication from you following receipt of that email.

The request was responded to on 18 April 2024. The request was refused due to reliance on the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a).

Review

On receipt of the response, you requested an Internal Review as follows:

I wish a review of this FOI.

I asked for all documents concerning my case: IC-271740-T3J9 :

KS, 26 March 2014:

"Thank you for clarifying this, I have forwarded this information to our information access team to add on to the request." It seems that message did not get through.

Ms S told me she had passed my case on to be investigated so I assume there must be documents. Also THG (UK2) have told me the ICO wrote to them, and they replied:

"I believe THG (Uk2) subsequently responded to the various assertions by way of a letter dated 10 November 2023." It is not clear why you cannot find the letter you wrote to THG (UK2) and their reply letter. Please explain why you could not find the letters? Please can you now process my FOI request, and I would hope this can be expedited given that the 1st request was not handled correctly, and I have already waited 20 days.

The purpose of this review is to look again at your request and the response that was provided to you, to ensure it was correct and that any exemptions applied were appropriate.

I can confirm that I have reviewed the correspondence on the information request and will respond to the comments made.

Firstly, you are questioning the wording of the original request. The request considered under IC-296684-B4Q4 was as repeated in the acknowledgement email. You did not reply to that email querying or correcting the wording of the request being considered. Therefore, *"THG have told me that they replied to a letter from the ICO last year. Is it right that if I want to see that letter I need to do an FOI?"* was what was considered in this case. The expanded request was logged as a new case and is being considered accordingly.

You have then gone on to ask: *"Also THG (UK2) have told me the ICO wrote to them, and they replied: "I believe THG (Uk2) subsequently responded to the various assertions by way of a letter dated 10 November 2023." It is not clear why you cannot find the letter you wrote to THG (UK2) and their reply letter. Please explain why you could not find the letters?"*

The response does advise that information within the scope of the request was located. Consequently, you are incorrect in saying that the ICO could not find the correspondence with THG. However, the in-scope information located was withheld from disclosure under Section 40 (2) of FOIA. This is because it constituted the data of a third party. The initial response explained that when individuals complain to the ICO about the way an organisation has handled their personal data, we are of the opinion that complainants do not generally expect their personal data to be shared with the world at large. In view of the above, I will reiterate that in such circumstances it would be appropriate for us to withhold this information in reliance of the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a).

For these reasons, your review is not upheld.

Finally, I have noted the advice and assistance provided in the initial response in respect of communications with THG and that a new request is being considered for you which hopefully will resolve the matter.

Complaint procedure

If you are dissatisfied with the outcome of this review, you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint:

<https://ico.org.uk/make-a-complaint/>