

24 June 2024

IC-313646-C6F2

Request

On 17 June 2024 you made the following request:

In the last 5 years, how many s.77 allegations have made to the ICO, how many have made it to CRIT and what has been the outcome?

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

Response

We hold information that falls under the scope of your request. However, we are refusing the request because locating all Section 77 allegations made to the ICO within the specified time period would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny if requested information is held if the estimated cost of establishing this would exceed the appropriate cost 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.

Section 77 allegations may be made to the ICO via a number of different channels, including as part of a complaint. In most cases such allegations are referred to the Criminal Investigation Team. However, in order to provide accurate information about allegations received we would need to check every avenue via which a Section 77 allegation might be made.

This would include searching through all the records on our casework management systems, which would include thousands of cases. We cannot electronically extract all cases in which a Section 77 allegation may have been made and our systems are not fully keyword searchable. Instead we would need to conduct detailed manual searches.

Furthermore, our casework records are only usually retained for two years, in accordance with our [retention policy](#), and the retention period for emails is only one year. Therefore we are unlikely to retain a full documentary record of all allegations made within the past five years, and the results of any searches would not necessarily be representative of allegations received over this time period.

Taking our casework records as an example, and assuming it took two minutes to check each case, it would take over 33 hours just to check 1000 cases, and it is certain that some searches would take much longer than that. As we are talking about thousands of cases to check, we are satisfied that the work involved would certainly exceed the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA. On this basis we are refusing the request.

Advice and assistance

We can consider requests for the number of cases that have been referred to our Criminal Investigations Team and the outcomes of these.

Information about [action we've taken](#) (including [prosecutions](#)) is published on our website, and information about historic action can be found via [archived versions of our website](#).

You can search for other responses relating to your areas of interest by visiting [our disclosure log](#).

This concludes our response to your request.

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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