

16 July 2024

ICO Case Reference IC-314775-S1F5

Request for information

Request received 23 June 2024:

"This is an FOI request.

- 1. Please provide me with the number of times that the ICO has made written certification to the High Court of Police Forces in England and Wales' failure to comply with FOI response timeframes pursuant to section 54 of the FOI Act in the past 12 months.*
- 2. Please provide me with any information on the ICO's procedure for public authorities that persistently refuse to submit responses to FOI requests within the 20-day limit.*
- 3. In respect of question 2, specifically, how many times can an organisation consistently refuse to abide by the statutory response time to FOI requests before the ICO takes notice or action?*
- 4. Why is the ICO's current response time to investigate and respond to complaints 6 - 9 months?*
- 5. How can a person making a complaint about an organisation's refusal to submit CCTV or BWV get suitable help from the ICO when the footage is likely to be destroyed in 90 days, and the ICO's timeframe for responding to complaints far exceeds that timeframe?*
- 6. Why does the ICO not provide any notice, guides, or assistance on its website regarding the serious issue noted in question 5?"*

To the extent that it is possible, your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do not hold information in scope of part one of your request. In the past twelve months the ICO has not made any written certifications to the High Court relating to police forces in England and Wales failing to comply with FOI response timeframes, pursuant to section 54 of the FOIA. You may be interested in the [Director's update: the FOI year in review | ICO](#) which broadly discusses this matter, and our approach to enforcement and prioritisation.

We do hold information in relation to part two of your request. We publish our [FOI and Transparency Regulatory Manual](#), [FOI casework guide hub](#), [Regulatory Action Policy](#) and the [ICO25 – Our regulatory approach](#) information on the ICO website. Because this information is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA. However, we have provided the links above for your convenience.

We do not hold information in scope of part three of your request. Our approach to enforcement action is outlined in the documents linked above, particularly in the [FOI and Transparency Regulatory Manual](#), but there is no specific figure. It should be noted that public authorities can differ greatly in terms of size, resources, and so on, so it would not be appropriate to have one set figure for all public authorities.

Parts four, five and six are questions about legislation and the work of the ICO, rather than requests for recorded information. Therefore we consider these to be enquiries rather than requests that can be handled under the Freedom of Information Act. We have passed these enquiries to our public advice department for a response.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. This complaint will be handled just like a complaint made to the ICO about any other public authority.

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

Information Access Team

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