

Case Officer (CO) becomes aware of alleged non-compliance with Decision Notice or Information Notice



- CO checks with nominated team solicitor whether DN/IN has been appealed. If no appeal move on to next steps.
- If DN, CO clarifies with complainant ongoing concerns e.g. has PA partially complied with steps or has there been no response at all?
- If IN not fully complied with but PA has provided enough to complete investigation CO can take decision not to proceed under s.54.
- CO to make telephone contact with PA to chase IN/DN. Ok to indicate no further action to be taken until a further date (e.g. 7 days away). Confirm in writing (Letter A).
- If PA fails to comply send formal 7 day letter (Letter B).
- CO to log non-compliance on Insight & Compliance tracker spreadsheet.

PA complies with DN/IN end of matter

PA does not comply fully with DN/IN

CO to email [appealnotices@ico.org.uk](mailto:appealnotices@ico.org.uk), with referral form, and other relevant details/ documents.

CO to email PA (Letter C).

CO to email complainant (DNs only) (Letter D) to confirm case passed to solicitor.

PA complies with DN/IN end of matter



1. Solicitor to make telephone contact to chase. May agree not to pursue formal action until particular date (e.g. 7 days later). Confirm in writing.
2. If PA fails to comply, solicitor to send pre-action section 54 letter.

If PA fails to comply solicitor to obtain instructions from Head of FOI Complaints on whether to proceed with formal enforcement action.

If PA can't comply for some valid reason - Solicitor to resolve by Affidavit/ Formal Certificate.

If PA fails to comply and there are instructions to proceed with formal action:

Solicitor to lodge with the administrative court the relevant fee and the relevant form of certification (in the form provided for in Annex 1 to Practice Direction 81), along with the materials provided for in CPR 81.15(4). Ensure that the form of certification is personally served on the relevant respondent.

If not proceeding to enforce DN CO to write to complainant to confirm decision (Letter E).