

23 July 2024

IC-319362-H1F3

## Request

On 14 July 2024 you made the following request:

*For each of the last five years, please provide:*

- *Total number of complaints/appeals to the Information Commissioner's Office (ICO) for MOD-related FOIs*
- *Number and details of upheld complaints to the ICO for MOD-related FOIs*
- *Number and details of not upheld complaints to the ICO for MOD-related FOIs*
- *Number and details of fines issued by the ICO for MOD-related FOIs*
- *ICO action for destruction of requested MoD records – number and details of cases pursued; prosecutions completed within 6 month time limit; numbers and details of prosecutions unable to pursue because time limit exceed, and reasons for this*
- *ICO warnings, first and second reprimands to the MoD*

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

## Response

We publish details of [FOI complaints](#) made to the ICO and [action we've taken](#) (including reprimands, fines and prosecutions). This also includes [decision notices](#). All of these can be searched by public authority and outcomes of FOI complaints are recorded on the data sets linked to above.

Technically the information provided on our website is exempt from disclosure in accordance with Section 21 of the FOIA, as it is already accessible to you. Please note that we do not retain information about complaints or regulatory action indefinitely, but details are retained in accordance with our [retention policy](#). For this reason we do not hold complete information for the past five years.

Information that is due to be published (including more recent data sets) is exempt in accordance with Section 22 of the FOIA. This exempts information which is held with a view to its publication at a future date and when it is reasonable in all the circumstances that the information should be withheld from disclosure until that date. This is not an absolute exemption, which means we must consider the public interest in maintaining the exemption against lifting it.

The factors in favour of lifting the exemption include:

- Providing information about compliance with the legislation, including complaint outcomes; and
- Being transparent and open about the work we do.

With the public interest factors in favour of maintaining the exemption including:

- The ICO has a history of publishing this information on a regular basis, and has committed to publishing this information in the future;
- To prepare this information for disclosure earlier than our intended date of publication in response to individual requests we receive would not be an efficient use of resources when we intend to publish this information in due course anyway; and
- 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 the FOIA.

We can confirm that all of the information you have requested where we hold it has either been published or is due to be published on our website in the near future.

We do not hold any information about fines issued to the MoD in relation to their FOIA compliance.

In relation to your penultimate point, we have interpreted this to refer to cases in which we have pursued formal regulatory action in relation to the destruction of MoD records. Please note that we do not hold any cases that fit this description or any details about prosecutions that have been pursued in relation to this.

We do not hold any information about any warnings issued to the MoD. Reprimands are published on our website via the link mentioned above.

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



Information Access Team  
Strategic Planning and Transformation  
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
[ico.org.uk](http://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)  
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