

23 August 2024

Case Reference IC-326458-N6Y8

Request

You asked us a number of questions about complaints and case review policies, procedures and statistics. Our answers are listed next to your questions below, for ease of reference.

We received your request on 16 August 2024.

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

Our response

Please find our answers below.

Some of the information you have requested is technically exempt under section 21 of the FOIA, as it is reasonably accessible by other means, however I have included links throughout for convenience.

You asked:

"Please provide the following information:

1. ICO's internal guidelines or procedures for conducting reviews of case officer decisions, particularly in complex GDPR cases."

The procedure for Manager Reviews is outlined on our website here: [Complain about us | ICO](#)

"2. Statistics for the last three years on:

- a. The number of requests for review of ICO decisions*
- b. The average time taken to complete a review*
- c. The percentage of reviews that result in a change to the original decision"*

a) 2932 Manager Reviews have been logged within the time range you requested (16 August 2021 to 16 August 2024 which is the date we received your information request. This is the figure for Reviews which we can verify have been received within this date range).

b) We keep records of the time that a Manager Review case is in our caseload.

The mean average figure for time in the caseload is 24 days (rounded up figure). The median average figure is 15 days.

c) The percentage of completed Manager Reviews which are recorded as being "Upheld" or "Partially upheld" is 14% (rounded up figure).

This is the terminology we use to record the outcomes for Manager Reviews, rather than recording whether the original case outcome was 'changed' or not. There may be a number of factors in a case, some of which the reviewer may decide to uphold or only partially uphold.

"3. The criteria used to determine whether a case requires a more in-depth review or escalation to a senior officer."

Case officers can carry out a review of the outcome of a case they've handled, particularly if they receive further evidence for a case which needs looking into.

Otherwise, cases can be escalated to a Manager Review which will be carried out if a customer requests a review of the case after receiving the outcome.

"4. Any internal policies or guidelines on how to handle cases where multiple, complex GDPR breaches are alleged."

Please see our previous FOI request responses which provide links to the relevant materials available to our case officers:

[IC-315508-B3F5 | ICO](#)

[IC-311061-L4C5 | ICO](#)

[IC-309667-Q8G7 | ICO](#)

[IC-292191-L3K3 | ICO](#)

[IC-236327-C7Q7 | ICO](#)

You can access our data protection training videos on our website here: [Training videos | ICO](#)

"5. Information on the training provided to ICO staff who conduct reviews, particularly regarding complex GDPR cases."

We don't hold training materials specifically for reviewers, however please consult the above material for related materials.

"6. The ICO's policy on redactions in documents provided in response to Subject Access Requests, including guidelines on when redactions are considered appropriate."

We do not hold a specific policy or guidelines for this. Case officers will make assessments on a case-by-case basis to assess any potential infringements. In your scenario, the case officer would need to see what redactions have been made and the reasons given by the organisation for carrying out the redactions.

If the case officer can see that redactions have been made according to a lawful basis, the case officer would probably consider that particular element to be satisfactory handling by the organisation, however there may be a number of other factors which would need to be assessed alongside that, so it would not necessarily define the entire outcome of a complaint case.

"7. Any internal guidance on how to assess and respond to allegations of GDPR breaches related to data sharing agreements."

We do not hold specific guidance for this. If relevant, the case officer would take account of a data sharing agreement to the extent that it has some relation to an infringement connected to the person's data. If the case officer has evidence that personal data has been used in a way which has contravened a data sharing agreement and was resulting in a likely infringement of the person's rights, the case officer would take this into account when assessing the case.

"8. The ICO's procedures for handling cases where there are discrepancies between an organization's stated privacy policies and their actual data handling practices."

We do not hold a specific procedure solely for this scenario, but the case officer would take account of the available documentation and evidence to help them assess whether there has been an infringement or not. This could include checking an organisation's privacy policy, along with supporting information provided by the customer to assess any discrepancies.

"9. Guidelines or criteria used to determine when enforcement action is necessary in response to GDPR breaches."

Please find the information available on our website about the data protection complaint process: [How your complaint is processed | ICO](#)

You may also wish to consult our Regulatory Action Policy which reflects how we will enforce the legislation we oversee: [Regulatory Action Policy \(ico.org.uk\)](#)

"10. Any policies or procedures related to the ICO's handling of cases involving potential criminal offences under the Data Protection Act 2018."

For complaints casework, the approach to cases relating to the Data Protection Act 2018 would follow the approach which is outlined on the resources I have referred to in this letter. For any criminal investigations against individuals for offences under the Data Protection Act 2018, our investigation team would be guided by our Regulatory Action Policy.

A full list of our publicly available policies and procedures is available on our website here: [Policies and procedures | ICO](#)

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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