

2 September 2024

IC-326651-H6B1

Request

On 17 August 2024 you asked us:

"Could you please tell me:

- 1. the exact diff (aka redline or before & after comparison) made around 6 April 2023 to <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/recognising-a-request-made-under-the-freedom-of-information-act-section-8/>*
- 2. whether there are any changes made since 6 April 2023, and if yes, what & when*
- 3. what & who prompted the change of 6 April 2023*
- 4. how many complaints (and the associated case IDs), by how many distinct people, against which public authorities, you have received about s 8 refusals based on mononyms*
- 5. ditto, based on any other categories of unusual name*
- 6. whether you have notified public authorities about the change in guidance, and if yes, when and in what form*
- 7. under what circumstances a mononym would not a 'real name' (i.e. when the clause "Where a mononym is a 'real name'" in your guidance would be false)"*

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 to locate the information requested in entirety would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA). This is due to points 4 and 5 of your request. We have provided

some information in relation to your other points, as well as some advice on refining your request under the Advice and assistance section below.

Section 12(2) of the FOIA states that a public authority is not obliged to confirm or deny the extent to which the requested information is held if the estimated cost of establishing this would exceed the appropriate cost limit. This is because to identify cases matching the criteria you have specified, we would be required to manually search thousands of records individually within our case management system. We should also advise that we could not guarantee the accuracy of the results provided following a manual search.

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.

It is not possible electronically extract a list of FOI complaints that involve section 8 refusals involving mononyms or 'unusual names'. This is because we do not categorise FOI complaint cases in relation to these specific criteria within our casework management system. Even if we focused only on requests for complaints in which Section 8 is recorded as the primary reason for the complaint (which we can electronically search for), this would not include all instances in which the issue of a mononym and/or the person's name more broadly may have been raised as part of a complaint. This is because complaints can be complex, involve multiple issues, and the primary decision reason may not reflect all the nuances of each complaint.

Complaints with a primary reason other than Section 8 recorded may still be relevant, and even if we were to only focus on Section 8, we would still need to search each case individually, given that our casework systems are not fully keyword searchable. As 'mononyms' and 'unusual names' are not categories we use to categorise complaint cases, any searches would require us to make a subjective judgement about which cases are relevant. For example, where a complainant has only provided one name, this may not be explicitly referred to as a mononym, and whether or not a name could be described as 'unusual', is similarly subjective. In both cases it is unclear how representative or helpful any resulting search results would be in terms of highlighting the issues you are interested in, particularly given that we run the risk of imposing labels on cases that may not objectively reflect the nature of the complaint.

Assuming it took two minutes to check each FOI complaint case we hold (and in many cases it would take longer), it would take over 33 hours just to check 1000 of these cases, which 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 your request.

Advice and assistance

Information requested in relation to point 1 is already available – you can view archived versions of our website (including guidance) [here](#). This will enable you to compare different versions of the published guidance.

In relation to point 2, this part of the guidance has not been reviewed since 6 April 2023, as stated on the website at the top of the page you have linked to.

We could consider point 3 as a standalone request or alongside refined versions of other points as part of a new request.

In relation to points 4 and 5, as mentioned, we do not categorise complaints in this way and our casework management system is not fully keyword searchable. You can search for complaints for which Section 8 is listed as the primary reason on our data sets [here](#), although as stated above, this may not be reflective of all complaints that relate to this topic, which may have been recorded under different primary decision reasons.

While it may be possible for us to consider requests for the inclusion of particular keywords within a limited number of complaint cases (the data sets linked to above provide examples of how we can filter search results electronically, such as by date or outcome), please note that any requests for detailed information about specific complaint cases may be subject to exemptions, for example where the information relates to an identifiable person.

Furthermore, we do not retain casework data indefinitely and information about cases older than two years is unlikely to be retained in full, if at all. Some older information can be viewed on the archived versions of our website (see link above).

In relation to point 6, we add 'change notes' to every reviewed piece of guidance we publish – these appear at the top of the webpage. We also tell authorities by listing the reviewed piece in the '[What's new?](#)' page of the website. In some cases updates or additions are highlighted on our social media channels, [news pages](#) or via other engagement work.

In relation to point 7, the section you have quoted from our guidance is based on the mononym having been accepted as being a real name. It states that where a

mononym is accepted as a being the applicant's real name, the request would satisfy the requirement of Section 8 for the request to be made using a real name.

Whether or not a mononym constitutes a real name would depend on whether that name allowed the individual to be identified or distinguished from other people, as per our published guidance. We don't have a list of specific circumstances in which we would reject a mononym. It would depend on the circumstances of the particular request/individual in question and whether we found any evidence that they produced to establish that the name was genuine and that they were genuinely known by that name, was persuasive. That could only be assessed in light of the actual circumstances of the case.

If you do decide to refine your request, please note that any request requiring us to manually search large numbers of records is likely to exceed the appropriate limit, and the accuracy of any such searches could not be guaranteed. Consideration can also be given as to whether the value to the public of any resulting information is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

If you have a concern about a complaint case we have handled in relation to this topic, then please follow the steps provided to you by the case officer (if you are the complainant), or to provide more general feedback to the ICO please use the link below:

<https://ico.org.uk/make-a-complaint/complaints-and-compliments-about-us/>

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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