

3 September 2024

IC-315963-X2J1

Review of response to information request

I write further to your email of 6 August in which you requested a review of the handling of your request dealt with under the reference number IC-315963-X2J1.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

As a result, we have conducted an internal review of our response to your information request which was handled under the reference number IC-315963-X2J1. I am a Senior Information Access Officer in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 27 June we received a request from you which sought the following information:

"Please provide the full names of all your caseworkers that's deal with central government departments complaints regarding freedom of information, environmental and data protection?"

The job titles (all levels of caseworkers) and the department's they are assigned to? "

On 18 July we responded, providing the names of the departments and the job titles of staff handling those types of complaints, but withholding staff names, citing s.40(2) FOIA (personal data of third parties).

Review

You have asked for an internal review stating that you disagree with the basis on which we have withheld the names of case officers, as you believe this is unnecessarily obstructive.

I have reviewed the request and our response and confirm that I agree that it was appropriate to apply s.40(2) to the list of staff names.

There is no legitimate reason why you would need this list or why it should be put into the public domain.

The correct means to make a complaint about a central government department to the ICO is to fill out our online complaints form or call our helpline. There is no need to contact the appropriate members of staff directly as we have internal systems in place that direct complaints to the correct team to handle.

Additionally, once an individual's complaint is allocated to an ICO Case Officer, that Case Officer will contact them providing their name, so that they know who is handling their complaint.

Similarly, any other members of staff having involvement in an individual's complaint case or speaking to them over the phone for any reason would also provide their name.

We believe that this meets our customers' reasonable expectation of transparency and accountability in the handling of their complaints and other matters. We do not believe that providing a list of every member of staff working on a particular type of complaint would in any way enhance this.

If disclosed into the public domain, this information could be used to circumvent our internal processes to contact large numbers of staff directly where there is no good reason to do so. This would be likely to cause distress to staff and disruption to the service that we are able to provide to the public at large.

Additionally, we have a duty to protect staff from potential harassment connected with their role at the ICO wherever possible.

Given that there is no legitimate need to release this information and clear detriment that would occur from doing so, we are of the view that disclosure would breach Article 5(1) UK GDPR and therefore this information should be withheld under s.40(2) FOIA.

I therefore advise that your internal review is not upheld.

Complaint procedure

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint:

<https://ico.org.uk/make-a-complaint/>

Yours sincerely



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