

16 September 2024

IC-327964-R6Y3

Request

You asked us:

"The first Question a more generic one is how does the Information Commissioner deal with 'errant' public authorities, eg those who consistently fail to answer requests within the time period or delay requests in other ways/eg by spurious argument or by delay of internal review ?

Please answer the following more specific questions.

- a) Is there a percentage of missed request deadlines used by the ICO to identify where a public authority is failing to answer requests in a timely manner ?*
- b) Please detail any sanctions imposed on NI public authorities where failure to answer requests in a timely manner has been part of the rationale for such a sanction, since 2019.*
- c) Does the ICO Northern Ireland operate and report separately to ICO UK, ie is there a specific NI department(s) which has oversight of the ICO's work in Northern Ireland specifically in relation to FOI/EIR*
- d) Is there a requirement for public authorities to report on their information handling for FOI and EIR requests annually to the ICO ?*
- e) What are the general stats for all Northern Ireland public authorities in relation to delay for FOI/EIR for the following years - 2019,2020,2021,2022,2023, Year to date 2024.*
- f) Please give specific information in relation to two public authorities - name The Western Health and Social Care Trust, and Department for Health (Northern Ireland) in relation to their performance in answering FOI and EIR requests within the set limits for 2019,2020,2021,2022,2023 and YTD 2024*

g) Is there a requirement on Public Authorities or ICO to publish such reports re compliance with FOI/EIR timeframes, where they are easily accessible to public."

We received your request on 4 September.

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

Our response

We do hold information within the scope of your request.

In relation to your first question, you can find information about the ICO's regulatory approach in respect of the FOIA and EIRs in our [FOI and Transparency Regulatory Manual](#) , and in guidance available on our website [here](#).

- a) In our [FOI self-assessment toolkit](#) we suggest that a compliance rate of 95% of requests responded to on time is 'good', 90%-95% is 'adequate' and below 90% is 'unsatisfactory'. Please note that this is provided for organisations in order to help them to assess their own compliance and is not used by the ICO as an automatic trigger for regulatory action. Please refer to the policy and guidance linked above which explain how those decisions are taken.
- b) You can find details of all regulatory action taken against public authorities under the FOIA and EIRs on our website [here](#). This page provides information dating back to 2020, to find older actions you can visit an archived previous version of the ICO's website on The National Archive [here](#). These are available back to June 2019, I have checked and there were no further FOI regulatory actions taken against NI public authorities in 2019 which are not available at the above link.
- c) FOI and EIR complaints and enforcement are handled by the relevant departments at the ICO's UK headquarters alongside those relating to public authorities in other parts of the UK. The ICO has a regional office based in Belfast, which manages stakeholder relationships in Northern Ireland.
- d) No this is not a requirement.
- e) As we do not collect compliance stats from organisations on a routine basis, we do not hold this information. We do publish details of the complaints that we have handled under the FOIA and EIRs on our website [here](#).
- f) As above we do not hold this information.

- g) Public authorities which employ over 100 FTE employees are required to publish details of their performance under the FOIA and EIRs under part 8.5 of the section 45 code of practice. More information about this obligation can be found [here](#).

You can find this information in respect of the ICO's own compliance as a public authority in our Management Scorecards available on our website [here](#).

To find this information for other public authorities you should check the websites of the organisations that you are interested in.

The information provided in response to your questions is publicly available on our website, so is technically exempt under s.21 FOIA.

This concludes our response.

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 twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal data
see our [privacy notice](#)**