

2 October 2024

Internal Review: IC-331634-H5H2

I write further to your email of 21 September 2024, in which you expressed dissatisfaction with the response to your recent information request, processed under case reference IC-331634-H5H2.

I am a Senior Information Access Officer in the Information Access Team. I can confirm that I have had no prior involvement in the handling of this request. My role is to review the application of the Freedom of Information Act (2000) FOIA in relation to your request.

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.

Request and response

You requested details about a named member of staff at the ICO, as well as the 'ICO Pension Fund legal representative'.

The request handler withheld information about the staff member using Section 40(2). In relation to the second point, the request handler explained that this information is not held. This is because there is no ICO pension fund. ICO employees are enrolled in the Civil Service Pension Scheme.

Review

The purpose of this review is to look again at your request and the response that was provided to you, to ensure it was correct, that any exemptions applied were appropriate and that any concerns are addressed.

Your request for internal review appears to be directed at our response to the second part of your request, rather than the first, so it is this part that I will focus on here.

I will address each part of your email below.

Your Pension Fund legal representative is a matter of "public interest" & accountability, no DPA exemption applies to such FOIR.

We have not applied an exemption to the information you requested about this 'representative'. As the request handler stated, we do not hold the information.

The exemption we have applied (Section 40(2), which concerns personal data) relates to the first part of your request (in which you request details about a named member of staff), not the second.

The Civil Service holds & administers the ICO pension fund it does not provide legal services or protection in this matter on ICO behalf, that would be appointed by ICO - most likely contracted litigation specialists on behalf of the Pension Fund (paid for by the PS itself) and with no conflict of interest in any contracted or relationship direct with the ICO past (6 years) or present.

As confirmed above, the ICO has not appointed an 'ICO Pension Fund legal representative'.

Again your Pension Fund holds its own legal status and legal representation outside the ICO. The Pension Fund LLB holder details as required with no DPA exemptions legally, your 'Fund' members will have agreed to this contract of Legal Representation unrelated to any (conflict of interest) ICO LLB 6 years past or present representation/contract of services.

As above, the information is not exempt as we do not hold it. Your request and the descriptions given in your email do not reflect the pension arrangements we have at the ICO.

Should you not provide such FOIR under review I will ask the Judiciary of Scotland to appoint a qualified practicing LLB holder, in the "public interest", on your behalf under Simple Procedure (Small Claims and Judiciary legal instruction in Scotland) of which the fees are currently £20 plus any other additional related expenses (delivery of court notifications/serving) & will be charged via court to your Pension Fund along with the public details of the claim against ICO PF in a

open & transparent public arena, Scottish Judiciary outside the remit of your ICO U.K. Gov funder & its sister funded organisation, Judiciary of England & Wales.

As above, we do not hold the information you have requested. If you remain dissatisfied following this internal review outcome, then we would advise you to follow the next steps outlined below.

It is further in your (ICO Pension Fund members) best interests that your FOIR reply comes via the PF qualified LLB representative to clarify their appointed position by the ICO PF members, not the ICO itself as a (UK Gov) Public Appointed & part funded Public Body entity or their separate internal or external legal representation.

The ICO's Information Access Team respond to information requests made to the ICO. The representative you have asked about does not exist and therefore we are responding to you directly rather than via the intermediary you have described (given that we do not have a representative that fits this description). If you are dissatisfied with our handling of this request then please follow the next steps outlined below.

The Civil Service Pension Scheme (which ICO employees are enrolled in) can be contacted [here](#).

Their website also provides some helpful resources which may be of interest. For example, [this guide](#) outlines our responsibilities as an employer in relation to this, and an overview of the arrangements and schemes available to employees is available [here](#). The Civil Service Pension Scheme website also outlines the [roles and responsibilities](#) involved, and [how disputes and complaints are handled](#).

You can also find out more about ICO pay and benefits (including pensions) via the ICO website [here](#).

Having reviewed our response to this request, I agree with the request handler's response and your request for review is not upheld. I appreciate that this outcome may be disappointing, and if you remain dissatisfied then I advise following the next steps outlined below.

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/>

Your rights

Our [privacy notice](#) explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for [an information requester](#). Our retention policy can be found [here](#).

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
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