

16 October 2024

IC-335139-P8F3

Request

You asked us:

Please can you provide for the period 1 January 2024 to 1 October 2024, in respect of the first working day of each week in this period, the date of receipt of personal data rights complaints being allocated to case work officers on such first working day.

We received your request on 1 October 2024.

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

Our response

I can confirm that it is likely that we will hold some information within the scope of your request however we are unfortunately unable to provide you with the information you have requested as to do so will exceed the cost limit at section 12 of the FOIA.

You may be aware section 12 of the FOIA makes clear that a public authority (such as the ICO) is not obliged to comply with a FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

The date which a complaint case is allocated to a case officer is not held in a way which would allow us to electronically extract the information. It is held within the audit history of the individual cases within our electronic case management system, ICE360, which we use to track and progress individual cases.

According to our annual report we received 39,721 data protection complaints in the financial year 2023/24. This means that we received an average of 3310 complaints each month.

In order to locate the date a case was allocated to a case officer we would need to access the information held on the case, as we cannot electronically extract this. As you are interested in cases which were allocated between January and October 2024, we would need to consider, as a minimum, all cases received in that nine month period which would mean checking at least 29,790 complaint cases. As it is likely that cases received before 1 January 2024 would have been allocated before that date we would also have to work through cases received in late 2023.

This would mean we would need to check well over 30,000 cases. Even if it took only 30 seconds to locate the date a case had been allocated, not taking into account that in some cases it may take longer to ascertain when the case had been allocated to a specific case officer who would handle the complaint, it would take us a minimum of 250 hours to locate the date a case was allocated.

We would then need to check the date against a list of the dates of the first working day of each week to ensure the information is relevant to your request.

The length of time it would take us to locate the information you are seeking is clearly well in excess of the section 12 FOIA cost limit. We are therefore refusing your request.

Advice and assistance

It may help at this point to explain that the allocation of data protection complaint cases to case officers is not as straightforward as allocating the cases by earliest date of receipt on the first working day of each week.

We have a number of teams who handle data protection complaints. The teams each handle complaints about data controllers from different sectors, for example police and justice, local government, general business, and charities.

This means that although the different teams will generally be working on cases which were received in roughly the same time period they are not always perfectly aligned. We also prioritise some cases depending on harm and risk, as well as mitigating circumstances for the individual who has complained.

I have also been advised that bulk allocation of cases generally takes place on Thursdays and Fridays, so there would be limited cases allocated on the first working day of the week.

For our own business purposes we record the oldest unallocated cases every week but this is held for a short time period as it is ultimately replaced by the next week's information.

I have given some consideration as to how you may be able to narrow the scope of your request to bring this within the cost limit. Unfortunately, given how time consuming it is to locate the date a case was allocated to a case officer, simply reducing the time period you are interested in, or narrowing it down to cases relating to one sector would not reduce amount of time sufficiently to bring it under the section 12 cost limit.

You may wish to consider the information that you are seeking. For example, if you would like to know the oldest unallocated case in our data protection complaint team queues at the current time this is something we are likely to be able to provide, however, as explained above we do not hold historical information on this.

In relation to data protection complaint allocation, we aim to meet both our [Service Standards](#) and [ICO Service Charter](#).

We routinely publish information about our data protection complaint performance using [online scorecards](#).

The performance measures contained in the scorecards report on the efficiency and timeliness of the services we provide. In the [2024/25 Quarter 1 Management Board Scorecard](#) the first three measures relate to our data protection complaint performance.

We also publish [data sets](#) containing information about the complaints we have handled which may be of interest to you.

The data sets are published in a reusable format and include:

- Our reference number for the work completed;
- the type of work and legislation it falls under;
- the name of the organisation responsible for the processing of personal information;
- the sector the organisation represents;
- the nature of the issues involved;
- the date the work was completed; and
- the outcome following our consideration of the issues.

This concludes our response to your request. I appreciate this response may be disappointing, however, if you are able to revise your request we would be happy to consider any new request you may wish to make. I should point out that any reformulated request you may wish to make will be treated as a new FOI request, and the 20 working day time limit will begin again.

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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