

21 October 2024

IC-334562-B6Z0

Request

You asked us:

'You state in your letter that: "The ICO does not amend a decision notice once the decision is made." This appears to be a matter of policy rather than requirement. Who is responsible for deciding that policy, and what was the basis for that decision? You go on to say: "Our service standards explain that 'the law doesn't allow us to review our decision'". The service standards do not explain that at all, they merely state it as an unsupported assertion. If the law does not allow a review, then which law is it that prohibits one?'

We received your request on 26 September 2024.

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

Our response

We do not hold information in scope of your request.

By way of advice and assistance, a decision notice (DN) is a legal notice setting out the Commissioner's decision in respect of a complaint made under section 50 of the FOIA. Once that decision has been made, the Commissioner has discharged his duties under section 50. The next step, in line with section 57 of the Act, is for either party to appeal the decision to the Tribunal. Section 57 provides a legal route for the Tribunal to amend, cancel, or uphold a DN.

We can only act in accordance with our powers under the legislation. There is no provision in the FOIA that allows the Commissioner to amend or cancel a DN once it has been issued.

It is therefore not a matter of policy, nor is it accurate to say there is a law that prohibits us from amending a DN.

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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