

13 November 2024

Case reference: IC-340585-W3M3

We are now in a position to respond to your information request of 28 October.

Request

You asked us for the following:

"Subject: Request for data on FOIA trends pre- and post-GDPR implementation

...how GDPR impacts on the handling of FOIA requests. In particular, I am interested in analysing statistical trends before and after the implementation of GDPR in May 2018.

I would like to request the following data for the period from January 2016 to December 2020:

1. Total number of FOIA requests received annually.
2. Outcome of FOIA requests (number granted in full, number granted in part, and number refused).
3. Reasons for refusal (number of refusals citing exemptions related to data protection, and any other commonly cited exemptions).
4. Average processing time monthly.
5. Number of internal reviews requests.
- [5.5] Number of complaints made to the ICO regarding FOIA refusals due to data protection concerns.
6. Outcomes of these complaints (e.g., upheld, overturned).
7. Any notable changes in FOIA handling policies or procedures following GDPR implementation."

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

Our response

We hold some limited information within scope of your requests in points 1,2 and 5. The relevant links are provided below.

Published information on ICO website

ICO annual reports are available from 2020/21 on our website [here](#). These provide details of our information request casework for the financial year (pages 57 to 59 on 2020/21 report). It also includes FOI complaints but this does not include what the FOI complaint was about, i.e. data protection concerns (pages 43 to 49 on 2020/21 report).

Our information request handling performance is available from quarter 1 of the financial year 2020/21 on our website [here](#) (see bottom of webpage).

Details of our completed FOI complaint casework each quarter can be found on our website [here](#). Whilst these datasets include the main focus of the complaint (decision primary reason) they are only available from quarter 1 2022/23.

With regards to point 7, from 25 May 2018 the definition of personal data used as part of FOI request handling was taken from the GDPR rather than the previous Data Protection Act 1998 (DPA 1998). See [What is personal data?](#). Any references to DPA 1998 in our FOI responses were updated to the new legislation.

You can find relevant guidance on our website for FOIA exemptions that reference personal data, such as [Section 40 and Regulation 13 – personal information](#). Section 44 is used where there are prohibitions on disclosure arising from legislation other than FOIA such as data protection legislation, see [Prohibitions on disclosure \(section 44\)](#).

Published information on other websites

Due to our [Retention and disposal policy](#) we no longer hold casework information for 2016 to 2020. Links provided below are for previously published information. The casework these figures were taken from is no longer held on our systems.

The www.gov.uk website holds copies of older annual reports. Below are links for the 2015/16 to 2019/20 reports for ease of reference.

[Information Commissioner's annual report and financial statements 2015/16](#)
[Information Commissioner's annual report and financial statements 2016/17](#)
[Information Commissioner's annual report and financial statements 2017/18](#)
[Information Commissioner's annual report and financial statements 2019/20](#)

Older casework datasets can be found on archived versions of our website via The National Archives, [here](#). Please note that the 'nature' (decision primary reason) category may not include further detail on these datasets.

Responses to FOIA requests prior to 2018 can be found on the ICO's disclosure log via The National Archives [here](#).

The DPA 1998, DPA 2018 and UK GDPR (with UK amendments from 31 December 2020) are available online at www.legislation.gov.uk.

The published information within scope of your request is withheld under section 21 of the FOIA, which explains that we are not required to provide information in response to a request if it is already reasonably accessible to you from another source.

This concludes our response to your request. We hope you found this information helpful.

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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**For information about what we do with personal
data see our [privacy notice](#)**