

15 November 2024

IC-340407-Q1X8

Request

You asked us:

"The ICO has a backlog and has shortened the deadlines for public authorities to finalize positions on FOI and SAR complaints. It appears they're pushing authorities to meet internal timelines, even though the backlog isn't the authorities' fault.

What consideration has the ICO given to public authorities when reducing these deadlines, and has it gathered any feedback? Please provide any available information on this.

Insufficient time to handle complaints properly can lead to mistakes and additional time and costs, including appeals to the Tribunal, which is a waste of taxpayers money.

The ico don't deal with complaints for months and then have the cheek to expect responses from public authorities in a short time frame. It appears the ico are not bothered about the right result but more concerned about meeting its own timeliness targets."

We received your request on 28 October 2024.

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

Our response

We can confirm that we do not hold any information in scope of your request. We do not hold any recorded information regarding the consideration given to public authorities and feedback gathered.

Advice and assistance

To provide some further information, we amended our approach as part of our FOI transformation work in late 2022, adopting new processes from April 2023. We engaged with bodies verbally to share changes in our approach, which took place at the Central Government Forum and Local Government Forum. We also shared verbal updates with public authorities as and when appropriate to do so.

Further reading about the work we have done regarding changes to how we regulate FOI can be found in the [ICO's blog on its information rights work](#). Of particular interest may be the [Director's Update of 8 November 2022](#).

Regarding the shortened deadlines, it is worth noting that public authorities already have 20 working days to respond to requests and then time for internal review handling prior to the case reaching the ICO. Once we receive a case it takes an average of 12 weeks to allocate before we then write to the public authority to request a final submission.

Whilst we will sometimes issue a Decision Notice straight after allocation on the merits of a case, if we do not intend to uphold the position of a public authority then we will always provide an opportunity for final submissions.

It is also worth noting that our revised approach towards FOI complaints has not led to an increase in the percentage of cases appealed to the First-tier Tribunal or cases upheld by the First-tier Tribunal, as can be seen in our [annual reports](#). The percentage of cases appealed remained the same at 15% between the 2022/23 and 2023/24 financial years, and the percentage of cases successfully defended by the ICO rose from 73% to 76%.

This concludes our response to your request.

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 [here](#).

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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