

21 November 2024

Case Reference **IC-340558-W3J7**

Request

You asked us:

*"I am seeking all the information you have relied upon to reach your decision [Decision Notice for **IC-314254-T6B7**] regarding para's 12 & 15 (copied below) issued 15/10/2024"*

And:

"please provide all information circulated within the ICO or advice provided about the use, or otherwise, of Excel"

We received your request on 24 October 2024.

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

Our response

For the first part of your request, the information you've asked for should be partly covered by your other request under IC-339841-S7S4. However, the Decision Notice does also clearly set out a summary of the information underlying the decision.

Nevertheless, I can confirm that the relevant case officer consulted the following items of information during the case:

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

<https://ico.org.uk/for-organisations/eir-and-access-to-information/information-commissioner-s-office-advisory-note-to-public-authorities/>

[What price privacy? Poor PSNI procedures culminate in £750k fine | ICO](#)

[PSNI facing a £750k fine following spreadsheet error that exposed the personal information of its entire workforce | ICO](#)

Section 12 – Information about the use of Excel

Conducting the searches necessary to confirm if we hold the information you have asked for about the use of Excel would exceed the cost limit set out by section 12 of the FOIA.

This means we are not obliged to comply with your request, as it stands.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Details

There will be thousands of items held by the ICO which may contain information in scope of your request.

To complete your request, in the way it is framed, we would have to carry out an exhaustive search and check every item possibly in scope of your request to distinguish if it is or isn't about the relevant subject matter.

It is likely there will be information held that refers to Excel but has no connection to the issues you have raised. We'd still have to do an exhaustive search to establish the full extent of information about Excel which is being held or processed.

Casework

This search would have to include searching all casework items (including Complaints, Advice cases, and Information Requests). We handle data protection and freedom of information complaint cases, and we also provide advice to organisations and individuals. These are set up and worked on through our case management system.

On our system, as of today's date (21 November 2024), we have 17,298 FOI/EIR (Environmental Information Regulations) complaint cases logged on the system. There are 1,583 cases logged against public authorities which are categorised as being in the "Justice" sector.

There are 35,649 data protection complaint cases. There are 1,845 logged against data controllers which are categorised as being in the "Justice" sector.

There are 7,105 Business Advice cases. There are 131 logged under organisations in the "Justice" sector. There are 12 "Justice" cases categorised under "FOI" legislation (ie, a case which is about an FOI matter).

There are 12,168 Public Advice cases logged on our system. There are 676 logged about organisations in the "Justice" sector. There are 21 "Justice" cases categorised under "FOI" legislation.

These figures demonstrate the scale of task which would be required in order to comply with your request. It is clear that searching our casework alone would significantly exceed the FOIA cost limit.

Correspondence and other documentation

In addition, there may be a significant amount of documents, correspondence or other recorded information being held by ICO teams and staff members which contain references to Excel. Again, we would have to search all possible locations and items to truly establish the full extent of information we hold. This aspect of the search would also significantly exceed the FOIA cost limit.

Advice and assistance

It is possible for you to narrow down or refine your request so that it is more likely to fall under the FOIA cost limit. Please find the assistance below if needed.

Assistance for refining your request

Please note the ICO is currently working on updating our [How to disclose information safely](#) guidance. A report about this is due to be brought to the ICO's Policy Sub-Group in December 2024. You could narrow the scope of your request to information about this particular project.

You may wish to narrow your request to information held by our FOI Policy and/or FOI Upstream Regulation teams, dated within the last six months or another reasonable time period, in relation to any of the following subjects –

- FOIA section 11 / EIR regulation 6
- Datasets
- Re-use of information
- Formats of information

You could narrow your request to information contained in Business Advice cases logged under organisations in the "Justice" sector. You can see from the above figures that this would probably significantly reduce the volume of information in scope.

You could narrow your request to information contained in FOI or EIR complaint response letters communicated by case officers, within the last six months or another reasonable time period, relating to public authorities in the "Justice" sector, on the subject of the use of Excel or CSV formats.

You could narrow your request to information connected with FOI and EIR complaint cases where the primary issue of the complaint is categorised as either "Reg 6 - Form and format" or "S11 - Means of communication."

These are categories which form part of our casework datasets, so we can easily filter cases on the basis of these terms to see which cases were primarily about these issues. This doesn't necessarily mean they would be cases specifically about Excel, but these would be the relevant aspects of the legislation that would concern the use of Excel.

Please also note that other complaint cases may also contain these issues, but

they may not have been recorded as the primary issue in a complaint case by the relevant officer.

We would still need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of search, or whether it represents an unreasonable burden on us as a public authority.

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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