

13 December 2024

Case Reference: IC-340398-W0Z3

### **Review of response to information request**

I write further to your email of 25 November 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-340398-W0Z3.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result we have conducted an internal review of our response to your information request. I am a Team Manager in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

### **Request and response**

On 28 October 2024 we received a request from you which sought the following information:

*"Please can you share what you have communicated to [data subject for case reference IC-315198-F5D4] regarding this matter - it will inform our own defence against any further harassment"*

On 15 November 2024 we responded by advising you that although we hold information in scope of your request, we are withholding it in reliance on the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a). We explained that any disclosure of the original letters or emails on complaint cases such as this would be unfair, and would therefore be in contravention of the first data protection principle.

## **Review**

I note in your email of 25 November 2024, in which you request an internal review of the response you received, you state:

*"We don't agree that "Correspondence shared with the complainant in this matter is personal data about them."*

You then explain that because it is information about your organisation including individuals within your organisation as well.

In response to this, and in review of how your request under case reference IC-340398-W0Z3 has been handled. I am satisfied that the reliance of the exemption at s40(2) of the FOIA by virtue of section 40(3A)(a) has been appropriately applied to withhold the information in scope of your request. This is because although the complaint is about your organisation, it is not within the reasonable expectations of a complainant to expect that correspondence between us and them would be shared with the very organisation they are complaining about.

Requesting information under the FOIA releases it to the world at large. I am satisfied that the use of personal information in this way would not be fair and as such result in a contravention of the first data protection principle.

As such, I can confirm that your internal review is not upheld.

## **Complaint procedure**

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely

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Service

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