

20 December 2024

Case Reference IC-347519-T4Z8

Request

You asked us:

"Please disclose all correspondence, emails, notes and meeting minutes/recordings in relation to communications between the ICO, and government department DWP. This disclosure should be in respect of DWP and Article 12 of UK GDPR, or the ICO providing advice on how to better comply with information rights requests, the responses from DWP should also be disclosed."

We received your request on 2 December 2024.

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

Our response

Conducting the searches necessary to confirm if we hold the information you have asked for would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

This means we are not obliged to comply with your request.

To comply with the terms of your request, we would have to search for any possible instance where the ICO has engaged or communicated with the Department for Work and Pensions (DWP).

For example, we would need to check all our complaint casework which is about the DWP.

As of today (20 December 2024), there are 405 data protection (DP) complaint cases in the ICO's caseload.

We would have to check each case to see if there are any records of communication about article 12 or any advice about complying with requests.

If we allowed 10 minutes to search each case, this exercise alone would exceed the FOIA cost limit for complying with the request.

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.

Advice and assistance

You have mentioned your case officer's reference to the ICO's communications with the DWP.

In regards to what they were referring to, we can confirm that we do hold a record of a meeting between the ICO and the DWP which took place on 1 August 2024. The issue relevant to your complaint was raised in that meeting.

If you wish to narrow your request to that information alone, then it is likely that the request will stay comfortably within the FOIA cost limit. Please let us know if you wish to narrow your request on that basis.

Otherwise, you may wish to narrow your request in other ways. In our caseload, there are three DP complaint cases about DWP which have been recorded as being about article 12 of the UK GDPR.

You may narrow your request to information about those cases, however, they may not be relevant to the issue which you are interested in, and there may be limitations about what we can disclose, as they are other people's complaint cases.

There are also 14 DP complaint cases where the case outcomes involved "Good practice advice provided" by the ICO to DWP.

If you are seeking records of advice given to DWP in our casework, you may narrow your request to those cases. Again however, there is no guarantee they'll be relevant, and there may be limitations about what can be disclosed.

Please bear in mind these may not be the only cases where article 12 was relevant or spoken about, or where advice was given about requests.

If you wish to remove casework from the scope of your request, then we can search for records of communications elsewhere, as we do have non-casework teams who may have had engagement with DWP about DP matters.

However, please note that if the request is open-ended in this sense, without barriers such as specific date ranges, it may still carry a risk of exceeding the FOIA cost limit.

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

ico.

Information Commissioner's Office



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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