

18 October 2024

ICO Reference: IC-330413-D5F3

Review of response to information request

I write further to your email of 1 October 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-330413-D5F3.

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 6 September 2024 we received a request from you which sought the following information:

FOI request:

- 1. Please state the number of Reading Brough Council complaints that you have had from its service users regarding Education Data For children (SEND DATA) and Childrens Social Care Handling Data for the following years:*

2018

2020

2021

2022

2023

2023

- 2. Please can you state the number of complaints for Education data*

handling and Childrens Social Care Handling Data which were regarding Missing data for the following years:

*2018
2020
2021
2022
2023
2023*

3. Please can you explain how many of the Education Data and Childrens Social Care Handling Data complaints were for Delayed SARs responses for the following years:

*2018
2020
2021
2022
2023
2023*

4. Please can you provide me with a list all the organisational guidance and recommendations that ICO have made to RBC for the Education Data Handling and Childrens Social Care Handling Data complaints in a document with the date that recommendation was made to improve its practice for the education and childrens social care data following complaints in the following years ONLY:

*2021
2022
2023
2024*

On 1 October 2024 we responded by providing you with the some of the information requested, whilst withholding the information you requested under question 4 via section 40(2) of the FOIA.

Review

On 1 October 2024, you wrote to us as below:

You state that you cannot respond to the last section Q4 because it is personal data of the complainant. However, asking RBC to comply with statutory sars timeframes etc is not.

Can you therefore, respond to Q4 , based on my complaints raised of RBC as a SEND and Social Care service users. Please advise what areas of improvement were requested of RBC annd if policy was requested to improve DPA/GDPR compliance.

Otherwise, please advise what you is possible to have this FOI responded to because asking a public organisation for example on x occasions to comply with 30 day sars, or

advise on how to accurately store data etc could be generalised into theme areas of the complaint.

Please advise what is possible and review your reply for the last question because how would the ICO be monitoring themese and areas of non DPA /GDPR compliance if it did not collect and staore repeat theme Of non data compliance.

Providing you with a list of all the organisational guidance recommendations made as part of complaints about RBC would involve disclosing the personal information of the complainants. By their very nature, data protection complaints are intrinsically linked to the individuals making the complaints, as the issues they raise are personal to them. This means that the recommendations we provide are specifically in response to the issues the complainants have raised.

This means that releasing these recommendations would also involve the disclosure of the personal information of the complainants.

In addition, complainants will bring matters to the ICO with the expectation that their information would not be disclosed to the wider world in response to a FOIA request.

Accordingly, I agree with our initial position that disclosure of these recommendations would break the first principle of the data protection law. Your internal review is therefore 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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