

2 January 2024

**Ref: IC-347569-R0R9**

## Request

You asked us for any policies or procedures regarding the setting and extending of deadlines for complainants and public authorities to provide further information to the ICO when investigating a freedom of information complaint. Particularly any that identify why a public authority may be granted an extension to a deadline while a complainant may not be granted any such extension.

We received your request on 1 December.

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

## Our response

We do hold information within the scope of your request. Please see our [FOI Casework Guide](#) which includes our policies for setting and extending deadlines for complainants and public authorities when progressing further information in order to investigate a complaint. The sections titles 'gathering evidence' and 'requesting submissions and/or withheld information' are the relevant sections.

You will note that where a complainant provides the requested information after the 28 day deadline, a new case will be set up and the complaint progressed. The exception to this is where so much time has passed since the original request or meaningful correspondence about it that there has been an 'undue delay' in properly submitting the complaint (guidance available [here](#)).

In the case of the public authority, if they do not submit information in line with our final deadline, we will either issue a formal Information Notice to compel them to provide the requested information or risk court action, or move to issue the Decision Notice without their evidence, and these cannot be withdrawn. The

circumstances of the public authority and the complainant in relation to these requests for information are therefore quite different.

The information that we have directed you to here is available to the public online and as such is technically exempt under s.21 FOIA.

This concludes our response.

## **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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