

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 July 2020

Public Authority: The Information Commissioner's Office
(ICO)

Address: Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Note: This decision notice concerns a complaint made against the Information Commissioner ('the Commissioner'). The Commissioner is both the regulator of the FOIA and a public authority subject to the FOIA. She is therefore under a duty as regulator to make a formal determination of a complaint made against her as a public authority. It should be noted, however, that the complainant has a right of appeal against the Commissioner's decision, details of which are given at the end of this notice. In this notice the term 'ICO' is used to denote the ICO dealing with the request, and the term 'Commissioner' denotes the ICO dealing with the complaint.

Decision (including any steps ordered)

1. The complainant requested information relating to a concern she had raised with the ICO. The ICO failed to respond to this request within the statutory time for compliance.
2. The Commissioner considers that the ICO has breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 2 December 2019 the complainant wrote to the ICO and requested the following information:

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act (FOIA) 2000. Please provide me with the following:-

1 A copy of emails, letters and any other records (including attachments) between the ICO and [REDACTED] in respect of the data protection concern logged as per below.

[Case Reference Number REDACTED]

*In line with section 11 of the FOIA, I would like the above information to be provided to me in *[paper format]* and sent to the following address as per below:-*

[redacted address]

5. The ICO failed to provide a response to this request for information until 29 May 2020.

Scope of the case

6. The complainant contacted the Commissioner on 27 February 2020 to complaint about the way the request has been handled.
7. The Commissioner has considered whether the ICO has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

8. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

9. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him.”*

10. The original request was made on 2 December 2019 and the response was not provided until 29 May 2020. The Commissioner therefore finds that the ICO breached section 10(1) in failing to respond within 20 working days.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from: First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed.....

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF