

29 January 2025

ICO Case Reference IC-354898-N5H9

Request for information

Request received 10 January 2025:

"Following a failure to receive a response to a subject access request made in 2024, how many requests did the ICO receive to investigate/intervene?"

On average: How long did it take for the ICO to acknowledge the requests (weeks, months, years). How long did it take for the ICO to assign a case officer (weeks, months, years)? How long did it take for the ICO to deal with the requests (weeks, months, years)?"

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). This legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold the requested information. However, establishing which data protection (DP) complaint cases are in scope and then retrieving the requested information would exceed the cost limit set out by section 12 of the FOIA.

[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.

When closing a DP complaint case in our casework management system (CMS), case officers record the area of legislation to which the complaint primarily relates, in their view. However, this is not always specific enough for

us to quickly identify all of the cases in scope of your request. DP complaint cases recorded as 'Art 15 – Right of access' (complaints under UK GDPR) and 'Prt 3 - Ch3 - S45 - Right of Access' (complaints under section 45 of the Data Protection Act (DPA) 2018) will relate to subject access requests (SARs). Whilst they may concern a non-response to a SAR, they could also be about something else such as a late response, or a partial response to a SAR. The only way to determine which DP complaints are specifically about "a failure to receive a response to a subject access request made in 2024" would be to manually review each complaint about SARs that we have received in 2024.

To illustrate how long these searches would take, we considered the DP complaint cases completed in quarter 2 of 2024/2025, as published in our [Data protection complaints](#) datasets on the ICO website. For quarter 2 of 2024/2025, the number of DP complaint cases received in 2024 where the 'Decision primary reason' is listed as 'Art 15- Right of access' exceeds 2,000.

Assuming that each search would take approximately one minute to complete – and some searches would take longer than that – this would equate to over 2,000 minutes of searching. This is for complaints completed in just one quarter of 2024. This clearly exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Advice and assistance

You could adjust the parameters of your request to all DP complaints about access to personal data, not just complaints about non-response to SARs. This would bring in scope all data protection complaints where GDPR Article 15 or DPA section 45 has been recorded as the legislative reason for the complaint, which is more readily searchable.

However, as explained above, the ICO already publishes information about the [Data protection complaints](#) we receive in our [Complaints and concerns data sets](#) on the ICO website, so this information is already available to you, or will be published in due course.

Therefore, any such revised request may attract an exemption. Section 21 of the FOIA states that we do not need to provide you a copy of information when you already have access to it. Section 22 of the FOIA states that we do not have to provide information you have requested if we intend to publish it.

You could filter each dataset to complaint cases received in 2024, and to cases where the 'Decision primary reason' includes GDPR Article 15 or DPA section 45 to see all DP complaint cases involving access to personal data. The datasets also show the date the complaint was received and the date that the complaint case was closed, thus providing the information about how long it took the ICO to complete each complaint.

You have also asked on average how long it takes to assign a case officer. There is a searchable field in our CMS named 'Worked by'. This records the date that a case is allocated to a case officer. This is information that we could provide. However, the date of allocation within our CMS does not indicate the date that a case officer first takes any actions in relation to a complaint. This is not information that we can automatically extract from our CMS, and it would require a manual search of every case in scope to determine this.

Also, the case officer first allocated in the CMS may not be the person who works and completes the case. Cases may be re-allocated. Therefore, the 'Worked by' field may be updated more than once during the life cycle of a complaint case. We can only automatically extract the date that the 'Worked by' field was *first* updated on a case. This does not always equate to the date that the case officer who completes the case first receives it.

You have also asked about acknowledgements. We can advise that an auto-acknowledgement is sent when a complainant submits a complaint via email or via our online complaint form. Complaints received by post also receive an auto-acknowledgement. These auto-acknowledgements are not recorded on the complaint case file so we are unable to run an automated report on this type of information. Complaints received by telephone do not automatically receive a written acknowledgement.

Further information

We publish regular updates of [Our performance](#) in handling DP complaints in our Management Scorecards on the ICO website, along with a broader annual review in our [Annual reports](#). These may also be of interest to you.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing within 40 working days if you want us to carry out a review.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you remain dissatisfied, you can [raise a complaint](#) to the ICO as regulator of the Freedom of Information Act. This complaint will be handled just like a complaint made to the ICO about any other public authority.

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

Information Access Team

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