

19 March 2025

IC-352752-M7K1

Review of response to information request

I write further to your email of 20 February 2025 in which you requested a review of the handling of your request dealt with under the reference number IC-352752-M7K1.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

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 Senior Information Access Officer 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 20 December 2024 we received a request from you which sought the following information:

"I would like the number of complaints (sar, foi and environmental) sent to central gov departments in the last 6 months?

Include the date the complaints were received, icos deadline, the date the ico completed the complaint and how long the ico gave the departments to respond?"

On 16 January 2025 we responded by advising you that we were unable to respond to your request as to do so would exceed the cost limit set out by section 12 of the FOIA.

Review

In your request for review you have asked that we provide a detailed breakdown of the time required to locate the information you are seeking.

My colleague undertook a dip sampling exercise in order to ascertain how long it was likely to take us to locate the information we cannot electronically extract.

To do this, they chose a Data Protection complaint and an FOIA complaint from each month from July 2024 to December 2024. They then timed how long it took them to view the outgoing correspondence on the cases, to record the date the correspondence was sent and to record if a deadline was given to the organisation. They recorded that it took 16 minutes and 37 seconds to review the 12 cases and record the relevant information. This averages out to around 1 minute and 23 seconds per case.

I undertook the same dip sampling exercise. I reviewed 10 cases and found that it took me slightly longer than my colleague, and the average was closer to 1 minute and 30 seconds per case.

Although some cases may be very quick to check, other cases may contain a large amount of correspondence which means it would take longer to locate the information you are seeking. The ICO does not always give the organisation which is subject to the complaint a date to respond when we first correspond with them. This means the information you are seeking is not necessarily located in the first correspondence sent between the ICO and the organisation and may be located later in the case. As my colleague explained to you, we may also grant an extension to the organisation which would alter the date we require a response from them.

Having reviewed my colleague's response and verified the dip sample exercise they undertook to reach their time estimate, I am satisfied that it was appropriate to refuse your request based on the cost of compliance.

This is because even if we take their lower estimate of an average of 1 minute and 23 seconds per case, to review the 2247 complaint cases which we consider may be relevant to your request would be likely to take around 50 hours of work. This significantly exceeds the 'appropriate limit', as set out in [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#), which as my colleague explained is 18 hours for the ICO.

I also consider that my colleague provided you with an appropriate level of advice and assistance, including suggesting ways in which you could refine your request to bring it below the cost limit, and providing links to information which is publicly available and may be of interest to you.

We suggest that to bring your request under the cost limits you could:

- Limit your request to a shorter time frame and consider requesting information relating to cases which were either received or completed in that time frame rather than based on when an organisation was contacted which is not electronically extractable.
- Limit your request to a specific government department.
- Remove the element of your request which asks how long the ICO gave the departments to respond. This is the element which is the most time consuming as it requires us to open correspondence and documents to locate the information.

As explained above I consider that it was correct to refuse your request under section 12 of the FOIA as to comply would clearly exceed the cost limits. I also consider that an appropriate level of advice and assistance was provided. I therefore do not uphold your review.

I hope that the explanation of how we reached our decision is helpful.

Complaint procedure

If you consider that your request for personal data has not been dealt with correctly under data protection legislation, you have a right of appeal to this office in our capacity as the statutory complaint handler under the GDPR and Data Protection Act 2018.

To make such an application, please write to our public advice and data protection complaints department at the address below, or visit the '[Make a complaint](#)' section of our website.

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



Information Access Team

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

ico.org.uk twitter.com/iconews

Please consider the environment before printing this email

For information about what we do with personal data see our [privacy notice](#)