

10 September 2024

IC-327912-P1Q7

Request

'In situations where a data subject makes a data subject access request to an entity, and such entity fails to provide any response at all to the data subject (a "Zero Response Data Subject Access Request"), such data subject may raise a concern with the Information Commissioner's Office ("ICO") about the failure to respond.

For each of the last five years (including the year to date), please can the Information Commissioner's Office state:

*(a) the shortest time,
(b) the longest time,
(c) the mean average time, and
(d) the median average time,
elapsed between the ICO receiving a Zero Response Data Subject Access Request complaint and the ICO providing a decision in respect of that Zero Response Data Subject Access Request complaint, in respect of each such year, expressed in a number of days.'*

We received your request on 25 August 2024.

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

Our response

We hold some information in scope of your request. However, the work required to locate the requested information would breach the cost limit set out in section 12 of the FOIA.

Section 12 makes clear that a public authority is not obliged to comply with an FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 stipulates that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

Our casework management system enables us to run reports and search for information about cases according to our business needs. For example, we are able to search for complaints that relate broadly to subject access requests.

You have requested information about cases in which there has been no response to a subject access request. Our system does not capture information in this much detail. Cases categorised as 'subject access' will also include complaints about other matters – such as late responses, or about withheld information, for example.

It is also not possible to easily extract information about the length of time between a complaint being submitted and a decision being provided. We record the date the complaint was received, and the date the case was closed. The date the case is closed is not always the same as the date the outcome is communicated.

Given these factors, in order to provide you with the requested information we would need to undertake a manual search of the correspondence on thousands of cases in order to ascertain whether the complainant had received a response from the data controller. This alone would be well in excess of the 18 hours work set out in section 12.

Advice and assistance

It may be helpful for you to look at our [casework datasets](#) to see how we categorise information held on cases.

Given the difficulties outlined above, it is unlikely that a refined request would bring your request within the cost limit. Even if you were to significantly reduce the timeframe of your request we would still need to manually search the correspondence on hundreds or thousands of cases. To give you some idea of the volume, we completed 3,702 cases about subject access between January 2024 and April 2024.

Consideration would be given as to whether the value to the public of the information derived from such searches is proportionate to the effort to locate it.

It would be possible for you to obtain information about the length of time between the complaint being received and the case being closed, but this would only be in relation to subject access requests in general. This can be done yourself using the published datasets.

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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