

3 October 2024

IC-333250-N2K5

Request

On 21 September 2024 you made the following request to the ICO.

- 1. The number of FOI requests made to the ICO in the last 12 months;*
- 2. The number of Internal Reviews conducted on the above FOIs in the last 12 months;*
- 3. The number of complaints made to the ICO about the handling of FOI requests made to the ICO in the last 2 years;*
- 4. The number of complaints accepted and cases opened by the ICO about the handling of FOI requests made to the ICO in the last 5 years;*
- 5. Any internal correspondence between staff at the ICO discussing the potential conflicts of interest surrounding the FOI appeals process when FOIs are submitted to the ICO themselves. If this approaches Section 12 territory please only check correspondence for any cases in scope of part 3 and 4 of my request;*
- 6. Any guidance (publicly available or otherwise) about what to do if I am dissatisfied with an internal review on an FOI request I made to the ICO.*

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

Response

We hold information that falls under the scope of your request. However, we are refusing the request because to locate the information requested in entirety would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

This is due to part 5 of your request. Even if we restricted our searches to casework outlined in points 3 and 4, as you suggested, locating any relevant information would still exceed the cost limit. We have provided some advice on refining your request below.

The ICO has received over fifty complaints made to the ICO about our handling of FOI requests over the past two years. In order to consider any internal correspondence that relates to the topic you have identified, we would need to consider both the FOI complaint case record, and the case record for the original request, as relevant correspondence may be saved on either. This means we would have to consider over 100 case records. On average each record contains approximately ten items of correspondence (and in some cases more). This means that we would need to search through over 1000 items of correspondence. If it only took 1-2 minutes to check each item of correspondence (in some cases this may take longer), this would take over 18 hours.

Some of these cases have progressed to tribunal stage, so we would need to consider correspondence relating to the relevant tribunal cases as well, which would further increase the volume of information that would need to be considered. We would also need to search any information that may have been retained on our legacy systems (for any older cases that have been preserved and outside our current casework management system), and it is worth noting that, in line with our retention policy, we typically only retain casework for two years, so information about anything handled earlier than this is likely to be incomplete, if retained at all. With this in mind it is unlikely that we could provide a comprehensive response to point 4 of your request.

Furthermore, the systems we would need to check are not fully keyword searchable, so detailed manual searches would be required to locate any relevant information.

Locating all the information in scope of this request would exceed the 18 hours which would accrue a charge of £450 or less, triggering the provisions of section 12 of the FOIA. On this basis, we are refusing your request.

Advice and assistance

We could consider points 1, 2 and 6 as a standalone request as none of these points exceed the cost limit either individually or in sum.

The information you have requested in relation to point 3 is already available in part via [our published data sets](#). You can search the [FOI complaint data sets](#) by public authority, as well as finding out more details about individual cases via our [decision notices](#). This information would be exempt in accordance with Section 21 of the FOIA if requested as it is already accessible to you.

Any more recent information that is due to be published would, if requested, likely be exempt in accordance with Section 22 of the FOIA.

In relation to point 4, as mentioned, we don't typically retain casework for longer than two years (in line with our retention policy) so we do not hold a complete record for the period specified. You can use the links above to access relevant information, and some older information is available via [archived versions of our website](#). Again, the above exemptions would likely apply to this information if requested.

In relation to point 5, you could consider refining this part of your request by time period, outcome, or any of the other criteria listed in our data sets. Alternatively you could make a request for any relevant internal correspondence on a specific case or cases by citing the relevant references. These can be found on our data sets and decision notices (see links provided above). Some details about complaints that have progressed to First Tier Tribunal can be found [here](#), and the relevant decisions [here](#).

Please note that any request requiring us to manually search large numbers of records is likely to exceed the appropriate limit, and the accuracy of any such searches could not be guaranteed. Consideration can also be given as to whether the value to the public of any resulting information is proportionate to the effort to locate it, particularly given the issues regarding accuracy described.

Furthermore, the correspondence you have requested, if held, may be subject to exemptions, for example if it relates to an ongoing matter, legal advice/proceedings, or would enable the identification of any third parties.

It is also worth noting that we publish responses to previous information requests [here](#), where you can search by topic. We recently published a response about conflicts of interest [here](#) which may be of interest.

In relation to point 6, if you are dissatisfied with an internal review on an FOI request made to the ICO, the next step is to make a complaint to the ICO as regulator. You can do this [here](#). On our website you can read more about [the FOI](#)

[complaints process](#), our [FOI and Transparency Regulatory Manual](#) and our [policies and procedures](#).

This concludes our response to your request.

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



Information Access Team
Strategic Planning and Transformation
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](#)**