

15 January 2025

Case Reference IC-351263-J6M8

Request

Under FOIA, could you please provide me with any template or guidance for investigatory letters by caseworkers investigating whether information falls under the derogations. To be clear this relates to letters caseworkers would write and send a public authority relying on the derogation as part of the ICO's investigation to establish whether the requested information was held under the derogated purposes. If there have been any changes to such templates or guidance, please provide all versions used over the last 3 years.

We received your request on 16 December 2024.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA).

Our response

We do hold information within the scope of your request.

Please find attached a PDF file containing our investigation letter to the public authority, relevant decision notices, presentation slides used for caseworkers as an introduction to the subject of derogation and the previous guidance published on our website.

Please note, the template forms the basis for our investigation letter for cases involving the derogation of powers. Some wording may be amended, depending on the nature of the request. For example, the name of the organisation would be changed from the BBC to the name of the organisation the complaint is about.

Caseworkers will also refer to the guidance on our website [Public authorities under the Freedom of Information Act](#)

As indicated on our website, the current guidance was updated on 30 September 2022. The previous guidance was produced and published on 1 September 2016 and can be found at pages 17-28 of the attached disclosure.

This concludes our response.

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 [here](#)

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](#) via 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