

16 January 2025

ICO Case Reference IC-353767-H3R4

Request for information

Clarified request received 15 January 2025:

"No part of the freedom of information act states that the ICO can extend section 10 timeliness. The act states that public authorities should respond promptly. The red line is 20 working days. I submit if a request is not responded to within 20 working days the public authority has violated section 1 (1), section 10, and if they then relied on an extension section 17. That is fact.

However if a complaint is made by a member of the public following a lawful request, the ICO writes to the public authority and extends the 20 working days deadline by asking the public authority to respond within a additional 10 working days.

Please provide me with what section of FOIA or FOIA code of practice permits this. I believe none.

The same is said in relation to 20 working days regarding a request for an internal review. The ICO have extended this to 40 working days. Again no where in the current FOIA legislation can I find a section or subsection that permits the ICO to make such a determination.

Furthermore, the member of the public then has to wait at least several weeks for an initial response from the ICO, therefore the original request is now 5 plus months old (your current backlog is currently 3/4 months). If an initial response is received from the public authority and the member of the public is unhappy with the

response and submits an internal review the ICO then extends the 20 working days timeliness to 40 working days.

None of this is permitted under the FOIA.

Therefore these actions are carried out in accordance with ICO own guidelines. I seek all information that the ICO holds regarding these guidelines. If no information is held then the ICO it not acting in accordance with law.

I am therefore seeking the ICO lawful policy and procedures that permit you to act outside the confines of the FOIA"

And

"I'm requesting FOIA law that permits you to act in this manner and extend FOIA deadline because of your backlog"

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 exemption applies.

Our response

We do not hold information in scope of this request as we do not have policies or guidelines for the situations described. This is because the ICO does not extend the statutory deadline for public authorities to respond to FOI requests, and nor does it extend non-statutory deadlines for public authorities to respond to requests for internal review.

Further information

You asked:

"if a complaint is made by a member of the public following a lawful request, the ICO writes to the public authority and extends the 20

working days deadline by asking the public authority to respond within a additional 10 working days.

The ICO does not extend the statutory deadline for a response to an FOI request submitted to a public authority. The 10 working day deadline is the time usually given to the public authority to respond to the ICO about the FOI complaint, not the original FOI request. This approach is detailed in our [FOI casework guide hub](#) which is available on the ICO website.

You also asked:

"The same is said in relation to 20 working days regarding a request for an internal review. The ICO have extended this to 40 working days. Again no where in the current FOIA legislation can I find a section or subsection that permits the ICO to make such a determination."

The ICO does not extend the deadline for internal reviews for other public authorities. Internal reviews are not a requirement under the FOIA, and therefore there is no statutory deadline for responding to requests for internal review.

Future requests

When individuals appear to be using their rights regarding access to information to pursue matters which are closed, or to express discontent with the work of the ICO, we need to consider whether those requests are vexatious. Please see our web pages on [Dealing with vexatious requests \(section 14\)](#) for more information about this.

The phrasing and language of your email suggests that rather than making a genuine request for information, you are actually seeking to challenge the way that the ICO operates. The right of access in information legislation is not an appropriate means by which to express dissatisfaction with the ICO or with the legislation. Grievances expressed in the form of FOI requests may result in such requests being refused as vexatious in line with our public guidance on refusals under the legislation.

Furthermore, the right of access in information legislation is not an appropriate avenue through which to seek clarification of the legislation itself, or the work of the regulator of that legislation. If you have questions or queries about the FOIA and other information legislation then you can contact our public advice service via the details provided in the [Contact us - public](#) area of the ICO website. We also publish information about your rights under the FOIA, and [How to access information from a public authority](#) on our website, along with copies of a number of our [Policies and procedures](#).

You have already been made aware that we publish information regarding our approach to FOI casework in our [FOI casework guide hub](#). It may also be helpful to note that we provide guidance about [What to expect from the ICO when making an FOI or EIR complaint](#). Other relevant information about our approach to casework is published in [Our service standards](#), and our [Regulatory Action Policy](#). We also detail the cases we handle in our [Complaints and concerns data sets](#), including both completed and ongoing [Complaints under s50 of the FOIA 2000](#).

In addition, you have also been provided with advice regarding how to make clearer information requests. There is further information on our website where we explain [How to access information from a public authority](#).

You may wish to note the above when making information requests to the ICO in future.

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

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

Telephone: 0303 123 1113. Website: ico.org.uk

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