

Freedom of Information Act 2000 (FOIA)

Date: 5 November 2013

Public Authority: Information Commissioner's Office

Address: Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

This decision notice addresses a complaint made against the Information Commissioner (the Commissioner). The Commissioner both regulates the FOIA and his office is a public authority subject to the FOIA. As the regulator the Commissioner carries the duty to investigate any complaint that may be made under FOIA against his office. For purposes of clarity the term 'ICO' in this notice denotes the Information Commissioner's Office in handling the request and the term 'Commissioner' denotes the ICO dealing with the complaint.

Decision (including any steps ordered)

1. The complainant requested details of the ICO's internal complaints procedure.
2. The Commissioner's decision is that the ICO provided the requested information in accordance with the general right of access to information detailed at s1 FOIA. He does not require any further steps to be taken.

Request and response

3. On 22 October 2012 the complainant requested the following information:

"... full details of the internal complaints procedure normally practised by the ICO."

4. On 30 October 2012 the ICO supplied the complainant with two explanatory leaflets entitled "The Case Review Process" and "Taking your Complaint Further".

5. The complainant appealed on 21 January 2013 saying that he had received the ICO's leaflets but that neither gave the information that he sought.
6. Following an internal review the ICO informed the complainant on 22 February 2013 that it had provided all the available information in response to his request.

Scope of the case

7. The complainant contacted the Commissioner on 8 April 2013 to complain about the way his request for information had been handled.
8. This decision notice addresses whether the ICO has complied fully with the complainant's request.

Reasons for decision

9. Section 1 FOIA states that any person making a request for information to a public authority is entitled –
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request and
 - (b) if that is the case to have that information communicated to him.
10. On 19 September 2013 the Commissioner wrote to the ICO requesting confirmation that the two leaflets supplied to the complainant wholly constituted the details of its internal complaints procedure. He also asked the ICO to investigate whether it held any other recorded information the provision of which would be necessary to fully explain that procedure.
11. The ICO responded on 4 October to the Commissioner's queries. It verified that it had checked with the relevant department and after investigation the department had confirmed that the ICO does not hold any further explanatory information in relation to its internal complaints procedure.
12. The ICO informed the Commissioner that it had supplied the complainant with copies of information available on its website. It said the information provided to the complainant fully described the internal complaints procedure practised by the ICO. The information was in fact exempt under s21 FOIA (information accessible by other means) but it

had nevertheless been provided directly to the complainant in this instance.

13. Based on the above response the Commissioner accepts that the ICO has conducted reasonable searches in order to ascertain whether it holds any further information that would explain its internal complaints procedure. His conclusion is that the ICO does not hold such further information.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
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SK9 5AF