

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 24 May 2021

**Public Authority:** Information Commissioner's Office  
**Address:** Wycliffe House  
Water Lane  
Wilmslow  
Bury  
Cheshire  
SK9 5AF

### **Decision (including any steps ordered)**

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1. The complainant requested information from the Information Commissioner's Office ("the ICO") in relation to the registration of IG Compliance Limited.
2. The Commissioner's decision is that the ICO failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the ICO to take any further steps.

## Request and response

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4. On 28 January 2021, the complainant wrote to the ICO and requested information in the following terms:

*"I would be most grateful if the ICO could provide me with full and complete copies of all information they hold pertaining the registration of IG Compliance Ltd, regardless of whether it is a processor or controller, with the ICO under the Data Protection Act from 1 January 2019 to date."*

5. The ICO acknowledged the request for information on 2 February 2021.
6. The ICO provided a response on 7 May 2021.

## Scope of the case

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7. The complainant contacted the Commissioner on 28 March 2021 to complain about the failure by the ICO to respond to his request.
8. The Commissioner therefore considers the scope of the case to be whether the ICO complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

## Reasons for decision

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9. Section 1(1) of the 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. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt.”
11. On 27 April 2021 the Commissioner wrote to the ICO, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Following this intervention the ICO responded to the complainant on 7 May 2021.
13. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the request within 20 working days, the ICO has breached Section 10(1) of the FOIA.

## Other Matters

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14. In his correspondence, the complainant further requested that a determination be made as to whether:

*"The Commissioner complied with the section 45 of the FOIA code of practice in that she provided a response to my request for an internal review within the specified time frame."*

15. Under paragraph 5(1) of the section 45 Code of Practice, it states that *"it is best practice for each public authority to have a procedure in place for dealing with disputes about its handling of requests for information"*.
16. This generally means that a public authority will offer an internal review. The FOIA itself does not include this further step and consequently there is no set time-scale for such a review to be carried out.
17. Nevertheless the Commissioner's guidance states an internal review should be carried out within 20 working days, and in any event, no longer than 40 working days.

## **Right of appeal**

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18. 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: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**