

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

### **Decision notice**

**Date:** 26 November 2022

**Public Authority:** Information Commissioner  
**Address:** Wycliff House  
Water Lane  
Wilmslow  
SK9 5AF

#### **Decision**

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1. The complainant submitted five requests for information about service complaints, information requests and subject access requests that they had previously submitted to the public authority. With regard to the four requests the authority handled under FOIA, on the balance of probabilities the authority has disclosed all the relevant information it holds and complied with section 1(1) of FOIA. The remaining relevant information is already reasonably accessible to the complainant and therefore exempt under section 21(1) of FOIA. The authority's response to one of the requests breached section 10(1) and section 17(1) as it was provided outside the required 20 working day timescale.

#### **Request and response**

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2. The complainant submitted a series of requests to the public authority from 25 January 2022 to 8 February 2022. These are reproduced in the appendix to this notice.
3. The public authority aggregated the five requests and responded to them together. It handled one of the requests under the data protection legislation. It advised that the complainant already had access to some of the information requested in the remaining four FOIA requests. The authority disclosed further information and provided links to where more general information is published.

## Reasons for decision

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4. Based on the complainant's complaint to the Commissioner, this reasoning covers whether the authority holds any further information within scope of the four requests it handled under FOIA. It also covers whether some information is exempt from disclosure under section 21 of FOIA. Finally the Commissioner will consider the timeliness of the authority's response.
5. Under section 1(1) of FOIA a public authority must communicate information to an applicant on request if it holds the information and it is not exempt from disclosure. Under section 10(1) the authority must comply with section 1 within 20 working days of a request. Within the same timescale under section 17(1) of FOIA the authority must issue a refusal notice in respect of any exempt information.
6. Information is exempt from disclosure under section 21 of FOIA if it is already reasonably accessible to the applicant.
7. The authority in this case handled one of the requests (its reference IC-154697-M7S8) under the data protection legislation. The remaining four FOIA requests also concern the complainant's own interactions with the public authority. The authority advised that, as such, they could already access some of that information – for example, their own correspondence with the authority. However, the authority provided other relevant information and links to where more general information that the complainant might find useful is published.
8. In the absence of any evidence from the complainant to suggest otherwise, the Commissioner accepts that the authority holds no further information within scope of the complainant's four requests, that the complainant does not already have access to. Information the complainant does already have access to is exempt information under section 21 of FOIA.
9. The Commissioner also considers that the authority's handling of the requests – aggregating them and handling them together – was entirely reasonable and proportionate. However, the authority provided its single response on 28 February 2022 and, as such, did not comply with section 10(1) or section 17(1) in respect of the request of 25 January 2022.
10. Finally, he agrees that the authority was correct to handle the requests under FOIA and not the Environmental Information Regulations as none of the requested information is environmental information.

## Right of appeal

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11. 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)

12. 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.
13. 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

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

## Appendix

### 1. Authority reference IC-153586-P6Y0. Received 25 January 2022

"c) Inform the Requestor of all other ICO employees and agents you have consulted/discussed this case and/or your findings with formally or informally, including legal services.

d) Urgently provide full details of the 'review' procedure, and of the 'complaints' procedure (only if the complaints procedure is different from that provided to the Requestor in response to his request dated 18th May 2021) you refer to in email of 13th January 2022, and provide all other associated relevant information, including all relevant internal:- guidance, procedures, policies, rules, quality assurance measures and similar standards not accessible on the ICO web-site.

e) Urgently provide ICO's Organisation Structure(s) (sometimes referred to as a function management hierarch diagram or similar) which show:-

i) The position of the individual post holders already involved in this case (as identified below) plus those who have been consulted formally or informally (without breaching their DPA right by identifying them personally on the Organisation Structures), and all managers, directors (and their functions) and Information Commissioner, John Edwards.

[Redacted], Lead Case Officer

[Redacted], Information Access Support Officer

[Redacted], Lead Information Access Officer, Risk and Governance Department Corporate Strategy and Planning Service

ii) The location in the Organisational Structure of those who would be involved in considering the 'complaints' and 'review ' it which you refer in your email of 12th January 2022."

### 2. Authority reference IC-154773-Q3G8. Received 31 January 2022

"All data/information related to SAR request to the ICO (ref IC-99238-N7M6)  
All data/information related to complaint to the ICO (ref. IC-107549-L3F1."

### 3. Authority reference IC-154697-M7S8. Received 1 February 2022

"All data/information related to ICO complaint investigation case ref FS-50806012, and the associated First Tier Tribunal GRC case EA-2019-0252."

**4. Authority reference IC-154758-B9Y4. Received 31 January 2022**

"all information related to the following held by ICO:-

Information, including but not limited to all relevant policies and procedures, processes, papers and principles, and guidance, related to ICO reviewing an ICO decision re a complaint to the ICO regarding the way the ICO has dealt with a DPA (e.g. SAR) request."

**5. Authority reference IC-155095-T7V4. Received 8 February 2022**

"1. DPA SAR of all data held by ICO re Request to ICO for information

Case ref. IC- 124917-L0S8.

Please include all data/information re the ICO employee and agents including all management and directors posts who were involved, including those consulted including legal and line management

[Note: 'including' means 'including but not limited to'.]

[Note: 'all data' means all notes from meetings, notes re telephone calls and messages, correspondence with solicitors (excluding by redaction all legal opinion directly from a solicitor, but not from a non-solicitor passing on a solicitor's legal opinion, but including data re requests for advice made to a solicitor) but including all correspondence including emails, letters, notes etc.

2. Combined DPA SAR & FOIA/EIR Information Request and Duty of ICO to be Open & Transparent

To understand the ICO's claim that it addresses issues re conflicts of interest in an open and transparent way it is necessary for the ICO to provide the following information please:-

On an ICO Organisational Structure chart (a chart showing sufficient detail to identify the relevant posts, responsibilities and organisation section and their relative functions) which are referred to in the processing of Information Rights requests in ICO Publication - 'ICO Service Guide' (ICO SG): please identify the following (please include the linkages regarding reference to line managers and legal advice.

2(a) The normal Processing of a FOIA/EIR request as identified and described in the ICO SG for a request not related to a complaint about the ICO.

2(b) The actual processing of FOIA/EIR ref. IC-124917-L0S8."