14 April 2023

Case reference: IC-218273-N9C9

Dear J Barrett

Review of response to information request

I write further to your email of 22 March 2023 in which you requested a review of the handling of your request dealt with under the reference number IC-218273-N9C9.

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities to handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

As a result we have conducted an internal review of our response to your information request which was handled under the reference number IC-218273-N9C9. I am a manager in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 24 February 2023 we received a request from you which sought the following information:

"1   Please provide
a) information of the ICO that identifies what is the "Standard approach s36" (referred to in Section 2 of the form); and
b) any information of the ICO that indicates how that standard practice should be applied by case officers.

2   The ICO FOIA/EIR Casework Service Guide indicates that case officers should generally review withheld information. What guidance (apart from in relation to information that is clearly special category personal data) is provided to case officers (whether directly or through training courses) as to when not to review any withheld information?"

On 22 March 2023 we responded advising with regards to section 1 of your request, that the term “standard approach s36” does not refer to anything specific, however we did provide some guidance in relation to
applying s36. We also stated that no information was held in scope of section 2 of your request.

**Review**

I have reviewed the content and response under case number IC-218273-N9C9. I note from your email of 22 March 2023 that you are querying whether or not you were provided a formal response under s.1(1)(a) FOIA with regards to section 2 of your request.

I can confirm that the entire of your request was provided to you as a formal response under the FOIA and moreover, our response to section 2 was not merely an “individual belief”. That said, the responses we provide under the FOIA are all indeed informed opinions based on the facts presented to each Information Access Officer as a result of the searches they conduct for each request.

I spoke with the individual who provided your response and I am satisfied that their searches to determine whether or not we hold the information you requested were adequate and reasonable. They consulted directly with the case officer who decided your complaint case, confirmed their response with a Group Manager in FOIA complaints and further consulted with the FOIA Policy team.

For the avoidance of doubt, I can confirm that we do not hold any information in scope of section 2 of your request. Although, as you have mentioned, within the FOI/EIR Customer Service Guide it is referenced that we can determine a case outcome with or without viewing the withheld information being disputed; there is nothing further which details what to consider when deciding which option to choose. This is because, as you will appreciate, each complaint we receive is individual to each case, and there will be many variables which could potentially determine how a case is handled. So to make such a decision prescriptive by creating set guidance, would not be efficient or fair.

To conclude, having carefully studied the response to this request I consider it to be necessary and appropriate. The review is therefore not upheld.

**Complaint procedure**

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. This can be done by visiting the same webpage at:

[https://ico.org.uk/make-a-complaint/]
Yours sincerely

Sally Williams
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