

17th February 2012

**Case Reference Number IRQ0432134**

Dear Mr Sloan

I am writing further to our email dated 25 January 2012 in which we acknowledged your request for information to the Information Commissioner's Office (ICO).

As previously explained we are treating your request as a request for information under the Freedom of Information Act 2000 (FOIA).

Specifically your request stated;

*"I seek the following information from the ICO:*

*(a) the details of all complaints made to the ICO*

*(b) the outcome of each of the complaints in (a) above.*

*For the avoidance of doubt this request is not inclusive of statutory matters such as internal reviews under the FOIA. The request relates solely to complaints made under your "Complaints and compliments" process (i.e. those complaints that could potentially end up being examined by the Parliamentary and Health Service Ombudsman if the complainer is dissatisfied with the response issued by the ICO in relation to their complaint). The period that this request covers is 1 January 2011 to 31 December 2011."*

As we understand it from the above you are asking for information in relation to case review and service complaints made to the ICO as outlined on our [website](#).

As you may be aware the ICO uses an electronic case management system in order to administer the complaints which we receive, including case reviews and service complaints. For case reviews and service complaint cases the case handler selects from a list on the case the reason for case review/reason for service complaint and also selects from a list the outcome of the case.

In regard to case reviews closed between 1 January 2011 and 31 December 2011 please refer to the table below which shows the reason for the case review and the outcome as recorded on our system;

Reason for case review	Challenge not upheld	Challenge partially upheld	Challenge upheld	Outcome not filled in on system
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Failure under R32 PECR	1	0	0	0
Failure under S42 DPA	43	1	1	0
Failure under S50 FOIA	10	0	2	3
Further action warranted	102	6	4	1
Other	30		3	14
Wrong decision	326	28	25	16

For your information the abbreviation "PECR" refers to the Privacy and Electronic Communications Regulations and "DPA" refers to the Data Protection Act. The relevant sections of the legislation referred to above are publically available from the following links;

Copy of PECR;

<http://www.legislation.gov.uk/ukxi/2003/2426/contents/made>

Copy of DPA;

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

Copy of FOIA;

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

In regard to service complaints closed between 1 January 2011 and 31 December 2011, please refer to the table below which shows the reason for the service complaint and the outcome as recorded on our system;

Reason for service complaint	Complaint not upheld	Complaint partially upheld	Complaint upheld	Outcome not filled in on system
Other	36	5	4	24
Outside time limit	0	0	2	
S51 failure	2	0	0	3
Staff attitude	31	2	0	5
Undue delay	19	18	63	12

Not filled in on system	0	0	0	12
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For your information "S51" relates to the DPA and a copy of the legislation is available from the link above.

We are aware that sometimes the whatdotheyknow website does not display the formatting of our emails correctly, therefore in the event that you are unable to view the tables above please let us know and I will resend this response as an attachment instead.

I trust that the information above is of use to you however if you are dissatisfied with the response you have received and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Internal Compliance Department at the address below or e-mail [Internalcompliancedept@ico.gsi.gov.uk](mailto:Internalcompliancedept@ico.gsi.gov.uk)

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please write to the First Contact Team, at the address below or visit the 'Complaints' section of our website to make a Freedom of Information Act or Environmental Information Regulations complaint online.

A copy of our review procedure is available [here](#).

Yours sincerely

Joanne Crowley  
Lead Internal Compliance Officer