

21 July 2020

George White
request-668661-c29c75fb@whatdotheyknow.com

Dear Mr White

Case Reference IC-42189-W9J7

I write further to your email of 7 July 2020, in which you confirmed that you would like us to review our handling of your request dealt with by my colleague Ms Silk under our case reference number IC-42189-W9J7.

I have been asked to review the decision to withhold the information, which you requested, under section 31(1)(g) of the Freedom of Information Act 2000 (FOIA), by virtue of the purposes referred to in subsection 31(2)(a) and (c).

My name is Ian Goddard and I am an Information Access Service Manager. I can confirm that I have had no prior involvement in the handling of this request.

I have undertaken the review and confirm that the exemptions were applied appropriately. I will explain my decision below.

Section 31(1)(g) provides that:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)

Section 31(2)(a) and (c) provides that:

The purposes referred to in subsection (1)(g) to (i) are-

(a) the purpose of ascertaining whether any person has failed to comply with the law,

(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,

The ICO exercises a number of statutory functions for the purpose of ascertaining whether a data controller or public authority has failed to comply with the law and/or for the purpose of ascertaining whether circumstances exist or may arise which would justify regulatory action in relation to relevant legislation.

A considerable proportion of the ICO's regulatory work is concerned with ascertaining whether data controllers and public authorities have complied with the statutory requirements placed upon them by both the data protection legislation and the FOIA.

In this case the requested information forms part of our ongoing work to improve the compliance of public authorities with the legislation we regulate. It follows therefore that the purposes referred to in subsection (a) and (c) above apply in relation to this information. Disclosure of this information in relation to our regulatory work would, in my opinion, be likely to prejudice our regulatory functions in relation to our ongoing and future engagement and relationships with these organisations.

With regard to consideration of the public interest, for the reasons clearly set out in my colleague, Ms Silk's, comprehensive response of 1 July 2020, which I have not repeated here, I concur that in the particular circumstances of this case the public interest factors in favour of maintaining the exemption, in my opinion, outweigh those in favour of disclosure.

This concludes my response to your internal review. I realise that this response may be disappointing to you but hope our reasoning is clear.

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.

To make such an application, please write to our Customer Contact Team at the address below, or visit the 'Make a complaint' section of our website:

<https://ico.org.uk/make-a-complaint/>

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely

Ian Goddard
Information Access Service Manager, Risk and Governance Department
Corporate Strategy and Planning Service

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