

3 March 2021

By email only

Dear Dan Prkns

**Case Reference IC-88126-S6Y3**

**Request for Information**

Further to our email of 15 February 2021, we are now in a position to respond to your request under the terms of the Freedom of Information Act 2000 (FOIA).

**Your request and our response**

The FOIA entitles you to make a request for recorded information held by a public authority. Much of what you have requested does not pertain to recorded information that we hold. You may find [this](#) section of our website, on how to make such a request, helpful.

I will respond to each of your points in turn, below:

*"Can you confirm if it is it a requirment of the act that*

*1 all information requested must be answered within 20 days ?What is the maximum a question can remain unanswered?"*

As explained above, the FOIA entitles you to recorded information but not to answers to questions beyond recorded information that is held. Although this information is easily accessible by other means and therefore exempt from disclosure in accordance so 21, I have pasted section 1 of the Act below:

**FOIA Section 10 Time for compliance with request.**

(1)Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.

We do not hold any information that would satisfy the second question here.

*"2 all information must be answered in the location the question is presented ie on the website "what do they know"  
In the interests of public transparency does the allow any questions to be answered away from a public forum where transparency is therefore not succesful ."*

It is not clear what information you seek here but if it is the format of the response to a request that you are referring to; if the applicant expresses a preference, a public authority must provide information in that format if it is "reasonably practicable":

**FOIA Section 11 Means by which communication to be made.**

(1)Where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely—

(a)the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,

(b)the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and

(c)the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,

the public authority shall so far as reasonably practicable give effect to that preference.

I do not understand what information you seek in the second question. Please provide clarification. If you provide some clarification we may be able to continue to process your request. If we do not receive clarification within three months your request will be considered to have lapsed. (Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied).

*"can you confirm  
since january 2020 how many complaints to the ico have been made .how many have been upheld in the complainants favour ?"*

The ICO has received a total of 5169 FOI complaints between 1 January 2020 and the date that we received your request, 10 February 2021.

Please see the two CSV documents attached. These are all of the completed cases between 1 January 2020 and 10 February 2021. The Information Commissioner's Office (ICO) holds the details of casework that we handle within an electronic case management system. Over the course of the last year, we have been migrating from our old system, CMEH, to a new one called ICE360. As a result, we currently hold information on both of these systems, hence the need for two different spreadsheets.

With regard to the CMEH data, where a case reference appears twice on the CSV, it is still only one concern but we have closed and reopened the matter.

You will also see that cases are not always concluded as 'upheld' or not. There is a documents that explains the definitions as recorded in CMEH on our website [here](#), along with the data we have published so far and more information about that.

*"since january 2020 how many section 14 vexiticious defences have been presented and how many have been successful"*

If you filter the 'Primary Reason' column in the ICE360 spreadsheet and the 'FOI Technical Breach' column in the CMEH sheet, you will see which cases involved the application of section 14 of FOIA. Once you have done this, you will be able see which outcome was recorded for those cases.

*"since january 2020 how many appeals against a succesful s14 vexticious defense have been granted and how many have been successful"*

Appeals against Decision Notices issued by the ICO are lodged with the information rights tribunal, which publishes the outcomes of those appeals on its website [here](#). This is a separate body to the ICO.

The ICO is notified by the tribunal when an appeal is lodged and here is the information that we hold that falls within the scope of your request:

Appeals received between 01/01/2020 and 10/02/2021 - currently still <b>open</b>	11
Appeals <b>closed</b> between 01/01/2020	8

and 10/02/2021 & outcomes	Allowed by consent order – 1 Withdrawn – 1 Refused – 1 Struck out – 2 Allowed – 1 Dismissed – 2  In all but one case, the appellant was the complainant. The tribunal dismissed the one appeal that was brought by a public authority.
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This concludes my response to your request, I hope that the information provided is useful to you, along with the explanations, advice and assistance.

## Review Procedure

If you are dissatisfied with the response you have received under the Freedom of Information Act 2000 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 Information Access Team at the address below, reply directly to this email (with the reference number contained within the square brackets left intact) or e-mail: [ICOAccessInformation@ICO.org.uk](mailto:ICOAccessInformation@ICO.org.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 us at the address below or visit the [official information concern](#) section of our website to make a Freedom of Information Act or Environmental Information Regulations complaint online.

More information about how to complain is available on our website [here](#) and a copy of our review procedure is available [here](#).

Yours sincerely

**Debi Petch**    **Lead Information Access Officer**



T. 0330 313 1645 F. 01625 524510 [www.ico.org.uk](http://www.ico.org.uk)

ICO Helpline: 0303 123 1113 / (Ask for Information Access)