



Department for Culture, Media & Sport

Freedom of Information Team
Department for Culture, Media & Sport

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FOI2023/05018

23 May 2023

M Hands

request-976043-fe7b0999@whatdotheyknow.com

Dear M Hands,

Thank you for your correspondence of 26 April, in which you made the following request for information:

NEW REQUEST 26/04/2023

DCMS

Data recorded on transparency in Public Service organisations requests that have gone to ICO after requester applied to DCMS but was not satisfied with how the request was answered

ICO -

For any reason

Delays

Cost

Challenges to DCMS initial reply

From 2021 to 2023

Quote

The Freedom of Information Act says:

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.

In our opinion, what matters most here is that the law says authorities ;must respond promptly.

End quote

Quote

FOI officers often have to do a lot of hard work to answer requests, and this is hidden from the public. We think it would help everyone to have more of that complexity visible.

End quote

Quote

Guidance from the Commissioner suggests extensions beyond 40 working days may



be acceptable in exceptional cases such as where a body is under extreme pressure due to a major incident or where a public interest test involves “exceptional levels of complexity”.

The Freedom of Information (Scotland) Act does not allow such a public interest extension

End quote

Transparency covers Environmental Information

Quote

Who can make an EIR request? #

Anyone can make a request for environmental information. You do not need to give a reason for your request or demonstrate any particular interest in the information.

End quote

Although we should KEEP our request focused

Quote

You should not include:

***arguments about your cause statements that could defame or insult others
questions or requests for comment rather than for specific information
The Freedom of Information process does not allow for general correspondence,
background details or the rights and wrongs of a situation. It simply gives you the
right to ask for documents or data that the authority holds.***

End quote

So what we are asking is

DCMS

***Data recorded on transparency in Public Service organisations requests that
have gone to ICO after requester applied to DCMS but was not satisfied with
how the request was answered***

ICO -

For any reason

Delays

Cost

Challenges to DCMS initial reply

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Please provide list with dates and subject matter DCMS to ICO

We have dealt with your request under the Freedom of Information Act 2000 (the Act). Firstly, we would like to reiterate (as noted in our response to your previous request FOI2023/03724) that the structure of your correspondence has made it difficult for the department to fully comprehend your request (as queries and comments are interspersed with numerous quotations with no sources provided). We would recommend making your correspondence concise and clear for future requests please.

In this instance, we have interpreted your request to all correspondence between DCMS and the Information Commissioner's Office (ICO) regarding *"transparency in Public Service organisations requests that have gone to ICO after requester applied to DCMS but was not satisfied with how the request was answered"*. We have interpreted this as relating to Freedom of Information requests (and their internal reviews), and Subject Access requests.

We regret that we are unable to respond to your request because it exceeds the cost limit set out by the Act. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

We consider your request would be over the statutory limit because of the time and resources required to obtain the requested information. As noted in our responses with regards to Freedom of Information requests or Subject Access requests, individuals have the right to ask the ICO to investigate any aspect of their complaint. Therefore, over this period, there have been numerous occasions in which such complaints have taken place (even if they result in the ICO upholding the department's decision). In order to investigate a complaint sufficiently, the ICO will be required to engage with the relevant department (in this case DCMS), and therefore there are communications from both sides to resolve the complaint effectively. The volume of information held by the department is therefore large, and also distributed within teams and systems. There will also be communications with the ICO on unrelated matters to your request; as the ICO was previously sponsored by the former Department for Digital, Culture, Media and Sport prior to the machinery of government changes when the Department for Science, Innovation and Technology (DSIT) became the sponsor department. This information will need to be sifted to identify if any of this information could be considered in-scope of your request. Additionally, the work required to support this request is then multiplied as your request covers a timeframe of 3 years.

In order that you can submit a request that does not breach the cost limit set, you may like to limit your request. We would recommend you specify particular Freedom of Information or Subject Access requests for which you wish to request correspondence. You may wish to specify exactly what information you require, for example email correspondence only. You may wish to reduce the timeframe of your request significantly.

If you would like further information regarding the cost limit and how it is applied please refer to the [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#).

Yours sincerely,

Freedom of Information Team
Department for Culture, Media and Sport

Complaints and comments

As is customary in our replies, I should explain that if you are dissatisfied with any aspect of our response to your request for information, and/or wish to appeal against information being withheld from you, please send full details within two calendar months of the date of this response to: foi@dcms.gov.uk. You have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. Please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning an investigation.