

28 June 2021

K Gundersen
admin@cfoi.org.uk

Dear K Gundersen

Case Reference IC-109646-C5N3

Request for Information

Further to our acknowledgement of 3 June we can now respond to your information request of 21 May.

Request

"Under the Freedom of Information Act can you please provide me with the following information:

(1) Your current FOI caseload list [1], to include, if available for each complaint:

- a) Case Reference Number*
- b) Public Authority Involved*
- c) Type of Complaint*
- d) Complaint Assigned to*
- e) Case Officer Allocated (Y/N)*
- f) Date Complaint Received*
- g) Exemption Applied*
- h) Technical Breach (where applicable)*
- i) Summary of Information Requested*
- j) Sector*
- k) Casework Allocated Date*

(2) Your complaints and concerns datasets for the period April 2019 to March 2021 [2]."

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are probably aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

Our response

We do hold information within the scope of your request. I have attached a report of our open FOI casework, this is in a different format to the report you provided a link to, which is not report we currently produce. The report I have attached is generated by our current case management system which is different from the system that we were using in 2009. This provides most of the information you are seeking. The 'decision primary reason' column provides some detail about the exemptions applied, although this is not always completed until closure of the case. We are unable to provide dates assigned to a case officer as often cases are transferred between case officers and our system does not record this accurately. We also cannot provide a summary of the information requested, as we don't hold this on our system.

With regards to the datasets you have requested, these are intended for future publication and therefore we are withholding this information under s.22 of the FOIA.

FOIA section 22

As we have done for the period up to March 2019 we intend to publish equivalent datasets covering our completed casework after that date in the near future. We anticipate being able to publish the datasets for April to September 2019 within the next month and will continue to work on publication from there. Due to the volumes of casework that we process and the rigorous checks we need to carry out in order to ensure that personal data and other sensitive information is not disclosed inappropriately, the process for publication of datasets is currently taking longer than we would like. However we remain committed to publishing this data on regular basis.

This means it is being withheld in response to your request pursuant to section 22 of the FOIA, as it is 'being held for future publication'.

Section 22 of the Act states that information is exempt from disclosure in response to an information request if:

"(a) the information is held by the public authority with a view to its publication,

*by the authority or any other person, at some future date (whether determined or not),
(b) the information was already held with a view to such publication at the time when the request for information was made, and
(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."*

In this case we find that the exemption at section 22 of the FOIA applies to the datasets requested.

The exemption at section 22 is qualified by the public interest test, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure.

In this case the public interest factors in disclosing the information are:

- Providing information regarding public authorities on whom complaints have been made regarding their compliance with the FOIA and encouraging openness.

The factors in withholding the information are:

- The ICO has a history of publishing this information on a regular basis and has committed to publishing relevant datasets which will include the relevant information in the near future (and at that point the information will be in the public domain anyway).
- Earlier disclosure is not necessary to satisfy any pressing public interest at the present time.
- Controlling the release of this information helps us to ensure it is fair to those who have an interest in the information. Premature release may be seen as unfair, and discourage further engagement by the organisation involved.

Having considered the public interest arguments, we have decided to withhold this information in reference to section 22 of FOIA.

Next steps

FOI review procedure

If you are dissatisfied 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 or e-mail
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 our Customer Contact Team at the address given or visit our website if you wish to make a complaint under the FOIA.

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



Hannah Silk
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**For information about what we do with
personal data see our [privacy notice](#)**

