

Your information request to the Cabinet Office

Thank you for your correspondence in which you complain about the delay in the above public authority providing you with a response to your request for information.

If you have now received a response to your information request and are satisfied then please let us know as soon as you can.

If the response is still outstanding please see the below.

I have contacted the above public authority and asked it to respond to your request within 10 working days.

If you do not receive any response within the above timeframe, please contact us by emailing icocasework@ico.org.uk and quote your reference number in the subject title.

If the public authority responds to your request and refuses to release the information you have asked for and you are dissatisfied, you may, after exhausting its internal complaints procedure, complain to us again.

The Commissioner has published guidance relating to the Covid-19 crisis and the regulatory approach which this office will take; <https://ico.org.uk/media/about-the-ico/policies-and-procedures/2617613/ico-regulatory-approach-during-coronavirus.pdf>

Updates may be posted on our information hub; <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/>

We are grateful for your patience and cooperation at this time. If you have further correspondence to add, **please communicate by email**, where possible, as all of the ICO's offices are currently closed. Therefore there will be significant delays with the processing of any postal correspondence.

Yours sincerely

Michael Lea

Case Officer

Information Commissioner's Office

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice

Freedom of Information Act 2000 ("FOIA") – how the ICO deals with FOIA complaints

A brief explanation of how the FOIA works

Release of information under FOIA is, effectively, a disclosure to the general public, not just to the person making a request. The fact that a person might need the information for their own particular purposes is not a relevant consideration; public authorities can only consider whether information being requested under FOIA should be released into the public domain.

The FOIA provides a public right of access to information held on record by public authorities, and it is important to note what this means. Essentially, anyone can request copies of information which a public authority already holds in a recorded form, but the FOIA does not require it to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. A valid request is one which:-

- Is in writing
- Clearly describes the information requested
- Gives the applicant's name (not a pseudonym) and an address for correspondence (an email address can usually be acceptable)

On receipt of a valid request, a public authority must respond in writing, within 20 working days of receiving the request, and should:-

- Either confirm or deny it holds the information
- If the information is held a public authority should either provide it or issue a valid refusal notice
- If information is exempt from disclosure the refusal notice should specify which exemptions in Part II of the FOIA apply, and explain why they apply
- There may be other reasons for refusal, for example if the request is deemed repeated or vexatious, or if it would cost too much to comply with
- The refusal notice should also give details of any appeal/internal review procedure the authority has for FOIA responses

The role of the ICO

Section 50 of the FOIA gives people the right to complain to the ICO if they believe a public authority has failed to comply with its obligations under the FOIA. The ICO will make an initial assessment of all complaints to establish whether they can be progressed. Where complaints can be progressed, we will send you an acknowledgment and case reference number. Your case will then be referred to an individual case officer to conduct any further investigation required.

If we cannot resolve your complaint informally the Commissioner may issue a Decision Notice. However, where it is deemed that a complaint is not eligible for consideration, the ICO will explain why, advise the appropriate course of action, and close the case.

How to help ensure your case is progressed

To ensure your case is eligible for consideration you need to supply us with sufficient evidence. Before any complaint can be progressed you must provide us with copies of the following documents:

- Your initial request to the public authority
- The public authority's response or refusal (if the initial response is just an acknowledgement we shall require a copy of any full response received)
- Your request to the public authority for an internal review
- The public authority's internal review result

If the complaint is about non-response to a request we only need a copy of the request and, if available, any evidence that it was received by the public authority.

We require complete and unedited copies of these documents including, where relevant, email headers showing sender, recipient and date details. It is the responsibility of the complainant to supply us with the documents referred to above. You should ensure, therefore, that you keep copies of relevant correspondence.

Why we might not progress your complaint

We may deem your complaint ineligible under Section 50 of the FOIA if:

- We have not been provided with sufficient information or documentation in support of a complaint, or the information you have provided is unclear
- You have not yet asked the public authority for an internal review of its response
- There has been an undue delay in bringing the complaint to us; we will not normally accept complaints if more than **three months** have elapsed from the date the authority's internal review result was sent to you
- We deem the complaint to be frivolous or vexatious

We hope you find this information useful; if you need anything further please visit our website at www.ico.org.uk or call our helpline on 0303 123 1113.