

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 December 2023

**Public Authority:** Information Commissioner's Office  
**Address:** Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Information Commissioner's Office ('the ICO').
2. The Commissioner's decision is that the ICO breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

#### **Jurisdiction and terminology**

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3. This decision notice concerns a complaint made against the Information Commissioner. The Information Commissioner is both the regulator of FOIA and a public authority subject to FOIA. He is therefore under a duty, as regulator, to make a formal determination of a complaint made against him in his capacity as a public authority. The complainant has the same right of appeal against the Commissioner's decision as they would any other public authority, details of which are at the end of this notice.
4. This notice uses the term "the ICO" to refer to the Information Commissioner dealing with the request and dealing with previous complaints brought under FOIA. It uses the term "the Commissioner" when referring to the Information Commissioner dealing with this complaint.

## Request and response

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5. On 15 October 2023, the complainant made the following request for information:

"Please could you send me a copy of all the information you hold relating to the FOI s50 application referenced below? This would include any internal or external correspondence and all records captured in your case management system such as tracking information, status, actions taken etc."

6. The ICO responded to the request for information on 5 December 2023.

## Reasons for decision

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7. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

8. Section 10(1) of FOIA states that a ICO must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

9. From the evidence provided to the Commissioner in this case, it is clear that the ICO did not deal with the request for information in accordance with FOIA. The Commissioner finds that the ICO has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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10. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

11. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Michael Lea**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**