ICO consultation on prioritising access to information complaints

Start date: 8 November 2022

End date: 20 December 2022



ICO consultation on prioritising access to information complaints

The Information Commissioner is responsible for resolving complaints about the handling of information requests under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations (EIR).

The ICO25 plan made clear that we will innovate when looking for improved outcomes for people making information requests, while seeking greater efficiencies from our appeals service.

This consultation seeks views on how we propose to prioritise our FOI and EIR complaint handling so that, where needed, we are better able to focus quickly on cases that are of significant public interest.

[The consultation document](https://ico.org.uk/media/4022416/prioritising-access-to-information-complaints-a-consultation.pdf) sets out the new criteria, including the following tests:

* Is there a high public interest in the information requested? Does it raise a novel or clearly high-profile issue that we should look at quickly?
* Is the requester a person or group who is raising information rights awareness, supporting vulnerable groups or raising awareness of potentially significant public interest issues?
* Are vulnerable groups or people potentially significantly affected by the information requested?
* Would prioritisation have significant operational benefits or support those regulated?

Please submit responses by **5:00pm on 20 December 2022**. We may not consider responses submitted after the deadline.

Alternatively, you can download this document and email to: [FOI25consultation@ico.org.uk](mailto:FOI25consultation@ico.org.uk)

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Questions

**Q1.** Do you agree that, to maximise the benefit from the resources available to the Commissioner for his work on access to information complaints, he should prioritise cases of more significant public interest rather than continuing the ‘cab rank’ approach of dealing with cases in date order?

Yes

No

If no, please explain why.

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**Q2.** Do you agree with the proposed factors that will inform the ICO’s decisions on which cases to prioritise?

Yes

No

If no, which do you not agree with and why? Are there any additional factors you would include?

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**Q3.** In particular, do you agree that prioritising cases based on who has made the request is an appropriate public interest factor?

Yes

No

If yes, are there any other groups or types of requester you think should be covered?

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**Q4.** Do you have any comments on the service standards (or Key Performance Indicators) we should set for dealing with our FOI and EIR complaints?

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**Q5.** Do you agree that 6 weeks is sufficient time to bring a complaint to the ICO?

Yes

No

If no, please explain why you think additional time is needed or what any exception criteria should include.

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**Q6.** Do you have any comments on the ICO’s approach to implementing the Commissioner’s statutory right to not make a decision where a complaint is vexatious or frivolous?

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About you

**Q7.** Are you answering as:

☐ A representative of a government department

☐ A representative of a public sector body outside central government

☐ A journalist or other member of the press

☐ A representative of ‘third sector’/’civil society’ body (eg charity, voluntary and community organisation, social enterprise or think tank

☐ An academic

☐ An individual acting in a professional capacity

☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)

☐ An ICO employee

☐ Other

If you state ‘Other’ please ensure that you specify here.

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