

Freedom of Information

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Headlines

- ICO will begin prioritising certain FOI complaints, p.17
- Judge accuses appointments body of evading public scrutiny, p.19
- Tribunal — “the best way to avoid being chased is to respond to requests”, p.20

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ICO launches FOI toolkit topic to help with vexatious requests

The Information Commissioner’s Office has launched the third topic (www.pdpjournals.com/docs/888358) in its FOI toolkit to enable public authorities to self-assess how they deal with vexatious requests.

Deborah Clark, ICO FOI Upstream Regulation Manager, said: “Analysis of our data shows the application of the vexatious provision leads to the third highest number of complaints we receive each year. This, along with listening to feedback from practitioners, drove our commitment to pro-

duce this topic to help public authorities understand how to correctly apply the provision.”

The five module self-assessment course guides FOI practitioners through considering an organisation’s current position, understanding when section 14 can be relied on and concludes with learning on how to improve compliance.

Each module can be completed in stages, and generates a report providing overall ratings, suggested actions, and links to relevant ICO guidance.

The toolkit forms part of a growing body of resources the ICO has developed since John Edwards assumed the role of Commissioner. Such resources include a dedicated team focused on assisting public authorities to comply with FOIA and promote good practice.

Two other topics in the FOI toolkit have been published so far: (1) assessing timeliness of responses and (2) knowing where the costs of compliance exceed the appropriate limit.

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Council told to clear backlog

The Information Commissioner’s Office has issued an Enforcement Notice (www.pdpjournals.com/docs/888354) to Lewisham Council instructing it to clear a backlog of 338 overdue FOI requests, including 221 that were more than a year old.

The Council had published FOI performance statistics online which it later emerged did not show the true extent of its poor performance on information access requests.

At the end of 2022, the Council had a total number of 338 overdue requests for information, 221 of which were over 12 months old. The oldest unanswered request was submitted over two years ago on 3rd December 2020.

While the Council was focusing on new requests to improve its compliance with the statutory time limit of 20 working days for a response, this was at the expense of tackling its backlog of older

requests. Following enquiries by the ICO, it became clear that the Council had no concrete plans to address the issue.

The Enforcement Notice requires the Council to respond to all the outstanding requests within six months, as well to publish an action plan to mitigate future delays within 35 days.

The Notice also requires the Council to devise and

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