

[Date]

[Reference number]

Request

You asked us:

[Request wording]

We received your request on [date of receipt].

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**

Section 12 FOIA template

Our response

We hold information that falls under the scope of your request. However, [finding/retrieving/extracting] the information would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

OR

Conducting the searches necessary to confirm if we hold the information you have asked for would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

[NOTE: If necessary, include this further information]

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 states that the 'appropriate limit' for the ICO is £450. We have determined that £450 would equate to 18 hours work.

[NOTE: If the request concerns extensive, manual searches in the case management system, the following paragraph may be helpful]

[Description of information] is not information we normally need for our purposes. Our case management system is unable to run a quick automated report on this type of information. To locate the information you have requested would require a manual search of [hundreds/thousands] of cases.

Assuming that each search would take approximately [estimated minutes per item] minutes to complete – and it is certain that some searches would take much longer than that – this would equate to over [estimated total hours] hours' worth of searching. This clearly exceeds the 18 hours which would accrue a charge of £450 or more, triggering the provisions of section 12 of the FOIA.

Advice and assistance

[NOTE: Enter details of how the requester can adjust their request to bring it under the s.12 limit, if it is possible to do so, such as a narrower date range, naming specific organisations they're interested in, etc]

[NOTE: Include the following optional paragraph if a refined request would still require manual searching]

We would need to consider if it is in the public interest for us to dedicate the resources necessary to carry out this kind of search, or whether it represents an unreasonable burden on us as a public authority.

Template for a section 14 grossly oppressive burden

Our response

I am refusing the Freedom of Information request you have made because the amount of work involved in complying with it would place a grossly oppressive burden on our resources, meaning that we are able to rely on section 14(1) of the FOIA.

Section 14(1) FOIA states that:

"14.—(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."

The ICO's [guidance](#) explains that:

"A single request taken in isolation... may be vexatious solely on the grounds of burden. That is, where complying with the request would place a grossly oppressive burden on your resources which outweighs any value or serious purpose the request may have."

While we do not doubt that you have a genuine interest in the information you have requested, we have determined that the burden placed on our resources in complying with this request would outweigh the public interest in the requested information.

Our guidance further provides that, in order to refuse to respond to a request under section 14(1) due to burden alone, we should be able to establish that the requested information is voluminous, that we have real concerns about exempt information being contained within it, and that the exempt material is scattered throughout and cannot be easily isolated. I have provided further explanation of our consideration of this below.

[NOTE: Provide an explanation of the volume concerned, what potentially withheld information could be held within it (incl. what exemptions), and details about why it would be possible to isolate withheld from non-withheld information]

Our guidance states that the threshold for applying section 14 FOIA on the basis of burden is a higher one than for section 12 FOIA, which allows a public authority to refuse to comply with a request if the necessary searches involved in doing so would take longer than 18 hours. We are relying on section 14 here because the burden is related to the time required for reviewing and redacting the relevant information, rather than searching for information that may be in scope.

[NOTE: Estimate of time required to comply with the request based on volume and/or complexity]

[NOTE: Also, include consideration of any public interest in the information and why this does not outweigh the burden of compliance]

We therefore advise that we are refusing to comply with this request under section 14(1) of the FOIA.

Section 21 FOIA template

Section 21 FOIA

You can access the information you have requested here:

Because the information is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA.

[NOTE: Provide further information, if necessary]

Section 21 states that we don't need to provide you with a copy of information when you already have access to it.

Section 22 FOIA template

Section 22 FOIA

We intend to publish the information you have requested.

[NOTE: Provide some further details, if possible]

This means that it is exempt from disclosure under section 22 of the FOIA.

This is not an absolute exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

[NOTE: There is always a general public interest in transparency]

The factors in favour of withholding the exemption are:

[NOTE: Section 22 arguments usually focus on the duplication of effort necessary for us to put together a disclosure where we are already working to get the information ready for wider publication, both being routes to providing the information to the public. There may be other factors in favour of withholding]

Having considered these factors, we are satisfied that [it is appropriate to withhold the information / the public interest favours disclosure so the exemption falls away].

Section 30 FOIA template

FOIA Section 30

Some of the information you have requested is exempt from disclosure under section 30 of the FOIA. Section 30(1) states:

"Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of-

- (a) any investigation which the public authority has a duty to conduct with a view to it being ascertained-*
 - (i) whether a person should be charged with an offence, or*
 - (ii) whether a person charged with an offence is guilty of it,*
- (b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or*
- (c) any criminal proceedings which the authority has power to conduct."*

The information you have requested falls into the category described in [relevant section]. Section 30 is not an absolute exemption. With this in mind, we have then considered the public interest test for and against disclosure.

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

[NOTE: There is always a general public interest in transparency]

The factors in withholding the information are:

[NOTE: Section 30 arguments might focus on how disclosure under FOIA might alert individuals/organisations who are under investigation]

Having considered these factors, we are satisfied that [it is appropriate to withhold the information / the public interest favours disclosure so the exemption falls away].

Section 30 FOIA 'neither confirm nor deny' template

FOIA section 30 'neither confirm nor deny'

We neither confirm nor deny that we hold the information you have requested. Section 30(1) states that:

"Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of-

- (a) any investigation which the public authority has a duty to conduct with a view to it being ascertained-*
 - (i) whether a person should be charged with an offence, or*
 - (ii) whether a person charged with an offence is guilty of it,*
- (b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or*
- (c) any criminal proceedings which the authority has power to conduct."*

The information you have requested, if held, would fall into the category described in **[relevant section]**.

Section 30(3) confirms that we are not required to confirm or deny that we hold information if it would be exempt from disclosure under any of the criteria set out above. However, we must carry out a public interest test to weigh whether the public interest favours confirmation or denial.

In this case the public interest factors favour are:

[NOTE: There is always a general public interest in transparency]

The factors against are:

[NOTE: Section 30 arguments might focus on how disclosure under FOIA might alert individuals/organisations who are under investigation. With NCND responses, there is also a consideration about preserving the integrity of other NCND responses]

Having considered these factors, we are satisfied that we can rely on section 30 to neither confirm nor deny that we hold the information you have requested.

Section 31 FOIA template

FOIA section 31

Some of the information you have requested is exempt from disclosure under section 31(1)(g) of the FOIA. We can rely on section 31(1)(g) of the FOIA where disclosure:

"would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

*"(a) the purpose of ascertaining whether any person has failed to comply with the law...
(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."*

Section 31 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

[NOTE: The following are examples of prejudice arguments]

Our investigation into [organisation name] is still ongoing. To release the information you have requested could prejudice the ICO's ability to conduct the investigation in an appropriate manner. Disclosure at this stage would discourage our ongoing discussions between the ICO and [organisation name] and may damage our ability to conduct and conclude the investigation fairly and proportionately.

Disclosure could also jeopardise the ICO's ability to obtain information relating to this case or others in the future.

Disclosure is likely to result in other parties being reluctant to engage with the ICO in the future.

Any information released at this stage could be misinterpreted, which in turn could distract from the investigation process.

[NOTE: The following is an example of a public interest argument]

With this in mind, we have then considered the public interest test for and against disclosure.

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

- increased transparency in the way in which [organisation name] has responded to the ICO's enquiries; and
- increased transparency in the way in which the ICO conducts its investigations.

The factors in withholding the information are:

- the public interest in maintaining organisations' trust and confidence that their replies to the ICO's enquiries will be afforded an appropriate level of confidentiality;
- the public interest in organisations being open and honest in their correspondence with the ICO without fear that their comments will be made public prematurely or, as appropriate, at all; and
- the public interest in maintaining the ICO's ability to conduct the investigation into complaints as it thinks fit,

Having considered these factors, we are satisfied that [it is appropriate to withhold the information / the public interest favours disclosure so the exemption falls away].

Section 36 FOIA template

FOIA section 36

Some of the information you have requested is exempt from disclosure under section 36 of the FOIA. Section 36(2)(c) provides that –

"Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs."

Section 36 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

Having sought the opinion of the qualified person, I can confirm the prejudice to disclosure of this information is [provide prejudice arguments].

With this in mind, we have then considered the public interest test for and against disclosure.

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

[NOTE: There is always a general public interest in transparency]

The factors in withholding the information are:

[NOTE: Section 36 arguments are very request-dependent, but historically we have weighed the value of mutual cooperation with stakeholders during important, far-reaching work which would be affected by disclosure while the matter was live and ongoing]

Having considered these factors, we are satisfied that [it is appropriate to withhold the information / the public interest favours disclosure so the exemption falls away].

Section 40(2) FOIA template

FOIA section 40(2)

You will see that some third party personal data has been redacted in our response. It is exempt under section 40(2) of the FOIA.

[NOTE: Provide more information, if necessary]

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

Section 40(2) NCND FOIA template

FOIA section 40(2)

We neither confirm nor deny that we hold the information you have requested. Section 40(2) FOIA states:

"Any information to which a request for information relates is also exempt information if—

(a) it constitutes personal data which does not fall within subsection (1), and

(b) the first, second or third condition below is satisfied."

Section 40(3A), which sets out one of the three conditions, states:

"(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

(a) would contravene any of the data protection principles"

Finally, section 40(5B)(a) states:

"The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles"

You have requested information held about [request details]. This information, if held, would constitute the personal data of those individuals as it relates to an identified natural person. Section 40(2) of FOIA exempts disclosure of the personal data of others, subject to conditions.

Section 40(3A)(a) details one of these conditions. In my view, this condition would be met in this case because disclosure of the information you have requested, if held at all, would break the first principle of data protection – that personal data is processed lawfully, fairly and in a transparent manner. Therefore, the information you have requested, if held, would be exempt from disclosure.

I also consider confirmation or denial would itself contravene the data protection principles because it would reveal personal data. Therefore, our response to your request is we can neither confirm nor deny that we hold the information you have requested.

Section 42 FOIA template

FOIA section 42

Some of the information you have requested is subject to legal professional privilege and is exempt from disclosure under section 42 of the FOIA. Section 42(1) of the FOIA states:

"Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information."

There are two types of privilege covered by the exemption at section 42. These are:

- Litigation privilege; and
- Advice privilege.

Litigation privilege covers confidential communications between the client and lawyer made for the purpose of preparing for existing or anticipated legislation. Advice privilege covers such communications when they're made for the purpose of seeking or giving legal advice. We find that the information in scope of your request is subject to [privilege type].

Section 42 is not an absolute exemption, so we must consider whether the public interest favours withholding or disclosing the information.

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

[NOTE: There is always a general public interest in transparency]

The factors in withholding the information are:

[NOTE: Typically, public interest factors against disclosure of material subject to legal privilege concern the fact that legal professional privilege is a really important principle of the legal system. There is also public interest in maintaining the ability for legal advisors and clients to be able to have full and frank discussions without the fear that such information will be potentially made public]

Having considered these factors, we are satisfied that [it is appropriate to withhold the information / the public interest favours disclosure so the exemption falls away].

Section 43 FOIA template

FOIA section 43

Some of the information you have requested is exempt from disclosure under section 43 of the FOIA. Section 43(1) states:

"Information is exemption information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."

A 'person' may be an individual, a company, the public authority itself or any other legal entity. Our guidance on what constitutes a commercial interest states:

"A commercial interest relates to a person's ability to participate competitively in a commercial activity."

Section 43 is not an absolute exemption, and we must consider the prejudice or harm which may be caused by disclosure. We also have to carry out a public interest test to weigh up the factors in favour of disclosure and those against.

We find that disclosure of this information would prejudice the commercial interests of [affected person] because [prejudice arguments].

With this in mind, we have then considered the public interest test for and against disclosure.

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

[NOTE: There is always a general public interest in transparency]

The factors in withholding the information are:

[NOTE: Section 43 public interest arguments are often highly specific. However, for the ICO, arguments against disclosure may include the ICO being able to negotiate and secure services on beneficial terms that ensure the best value for money, without prejudicing organisations who are contracting with. It may also harm an organisation's ability to effectively negotiate with other clients besides the ICO]

Having considered these factors, we are satisfied that [it is appropriate to withhold the information / the public interest favours disclosure so the exemption falls away].

Section 44 FOIA working with section 132 DPA template

FOIA Section 44 and DPA section 132

[NOTE: Short version]

Some information has been withheld under section 44 of the FOIA. Section 44(1)(a) states:

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment"

The enactment in question is the Data Protection Act 2018. Section 132(1) of part 5 of that Act states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists circumstances in which a disclosure can be made with lawful authority, however none of them apply here. As a result the information is exempt from disclosure.

[NOTE: Longer version]

We can confirm that:

- The information was [obtained by/provided to] the Commissioner in order to carry out their functions.
- The information relates to an identifiable business, specifically – [organisation name].

- The information is not, and was not previously, publicly available from other sources.

As a result we cannot disclose the information unless we have lawful authority.

Section 132(2) of the DPA provides conditions in which disclosure could be made with lawful authority. We have therefore considered each condition in turn:

"(a) the disclosure was made with the consent of the individual or of the person for the time being carrying on the business,"

I can confirm that we do not have consent to disclose this information.

"(b) the information was obtained or provided as described in subsection (1)(a) for the purpose of its being made available to the public (in whatever manner),"

The information was not obtained by or provided to the Commissioner as part of their regulatory role in order to make it available to the public and for this reason we are treating it as confidential.

"(c) the disclosure was made for the purposes of, and is necessary for, the discharge of one or more of the Commissioner's functions,"

We find that disclosure is not necessary in order to fulfil any of their functions.

"(e) the disclosure was made for the purposes of criminal or civil proceedings, however arising,"

Disclosure would not be for the purposes of criminal or civil proceedings.

"(f) having regard to the rights, freedoms and legitimate interests of any person, the disclosure was necessary in the public interest."

We do not consider it necessary or justifiable to disclose this information as there is no compelling public interest to do so. The Commissioner and his staff risk criminal liability if they disclose information without lawful authority. The right of access under the FOIA is not sufficient to override these important factors and the information is therefore withheld.

[Date]

[Name]

[Email address]

Dear [Name]

Case Reference [case reference]

Response to request for information

Further to our acknowledgement of [acknowledgement date] we can now respond to your information request of [request date].

Request

You asked us for:

[Request wording]

We received your request on [date of receipt].

We have handled this as a subject access request (SAR).

[NOTE: If necessary, include this further information]

The right of access is provided by Article 15 of the UK General Data Protection Regulation (UK GDPR). Where any of the information we have provided to you falls outside the definition of your personal data, we are providing it to you on a discretionary basis.

Our response

We have searched our records based on the information you provided.

OPTION 1: NOTHING HELD

We are unable to locate the personal data you have requested.

[NOTE: provide further clarification – why not? Did we ever hold it?]

OPTION 2: FULL DISCLOSURE

Please find attached a copy of the information you requested.

OPTION 3: THIRD PARTY PERSONAL DATA

Please find attached a copy of the personal data you requested. We have [withheld/redacted] some information because it relates to a third party.

[NOTE: If necessary, include this further information]

The Data Protection Act 2018 makes it clear that we are not required to provide copies of your personal data when doing so would also disclose data about someone else. Therefore we have [withheld/redacted] some information in accordance with paragraph 16 of Schedule 2 of the DPA.

Paragraph 16(1) of Schedule 2 of the Data Protection Act 2018 (DPA) states that the individual rights provided by GDPR, such as subject access:

"do not oblige a controller to disclose information to the data subject to the extent that doing so would involve disclosing information relating to another individual who can be identified from the information."

Paragraphs 16(2) explains that personal data of a third party can be disclosed if the other individual has consented to the disclosure of the information to the data subject, or when it is reasonable to disclose the information to the data subject without consent.

Paragraphs 16(3) provides examples of relevant circumstances for considering whether disclosure would be reasonable without consent. In this instance it would not be reasonable to disclose the third party information without consent.

[NOTE: For the following options – we usually end up using Option 4 and Option 5 together, when another organisation has told us they don't want us to disclose info they provided to us. Disclosure would prejudice our function AND go against the prohibitions on disclosure]

OPTION 4: Regulatory function of the Commissioner

Some information has been [withheld/redacted] because providing it would be likely to prejudice our function as regulator.

The disclosure of this information would prejudice our function because [explain prejudice to our functions].

[NOTE: If you have withheld entire documents, and if it is possible to do so without causing prejudice, it's useful to give a brief description of the type of information withheld, ie "we have withheld some emails between the ICO and the Controller regarding their handling of your personal data"]

[NOTE: If necessary, include this further information]

Paragraph 11 of Schedule 2 of the Data Protection Act 2018 (the DPA) lists the Commissioner as a body that carries out regulatory functions and can refuse an individual access in the event that disclosure would be likely to prejudice those functions.

OPTION 5: Prohibitions on disclosure

Some information has been [withheld/redacted] because it was provided to us by another individual or business for the purposes of us carrying out our regulatory functions, and we do not have lawful authority to disclose it.

[NOTE: If necessary, include this further information]

Section 132 of the Data Protection Act imposes criminal liability on ICO staff if we disclose information related to an identifiable individual or business which was provided to the ICO for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so, or it has already been made public from another source.

Next steps

Please let us know if you have questions about the way we've handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other controller. You can [make a complaint through our website](#).

You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

[Name]



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
For information about what we do with personal data see our [privacy notice](#)

[Date]

[Name]

[Email address]

Dear [Name]

Case Reference [case reference]

Response to request for rectification of personal data

In your email of [request date] you told us that some personal data we hold about you is inaccurate. You said:

[Request wording]

We have handled this as a request that we rectify the personal data you've identified.

[NOTE: If necessary, include this further information]

Article 16 of the UK General Data Protection Regulation (UK GDPR) gives you the right to have your personal data rectified if it is inaccurate.

Our response

We have taken into account your arguments about the accuracy of your personal data.

OPTION 1: DATA IS ACCURATE

The UK GDPR does not define accuracy. However, the Data Protection Act 2018 states that personal data is inaccurate if it is incorrect or misleading.

We do not agree that the personal data you have contacted us about is factually inaccurate.

[NOTE: If necessary, include this further information]

The personal data that we hold about you is an accurate version of the information that was originally [provided to us / created by us]. It is important that we hold a correct and accurate version of that record.

We have added a note to your case file explaining that you disagree with the accuracy of the personal data, for the reasons explained in your email.

OPTION 2: WILL RECTIFY

We agree that the information we hold is inaccurate. We have taken the following steps to rectify it:

OPTION 3: WILL NOT RECTIFY DUE TO PREJUDICE TO REGULATORY FUNCTIONS

We agree that the information we hold is inaccurate. However, we do not intend to alter the record which we hold. We will place a note in the relevant case file that details your concerns about the accuracy of the data. However, our position is that altering the records we hold by rectifying your personal data would prejudice our regulatory function.

[NOTE: Provide prejudice arguments here]

Next steps

Please let us know if you have questions about the way we've handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other data controller. You can [make a complaint through our website](#).

You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

[Name]



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**

[Date]

[Name]

[Email address]

Dear [Name]

Case Reference [case reference]

Response to request for erasure of personal data

In your email of [request date] you said:

[Request wording]

We have handled this as a request that we erase your personal data.

[NOTE: If necessary, include this further information]

Article 17 of the UK General Data Protection Regulation (UK GDPR) gives you the right to have personal data erased in certain circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected or processed;
- When the data subject withdraws consent;
- When the data subject objects to the processing and there is no overriding legitimate interest for continuing the processing;
- The personal data was unlawfully processed (ie otherwise in breach of the UK GDPR);
- The personal data has to be erased in order to comply with a legal obligation;
- The personal data is processed in relation to the offer of information society services to a child.

In this case, your grounds for requesting erasure are [state request reasons].

Our Response

OPTION 1: NOTHING HELD

We searched our systems using the information you provided. We didn't find any records relating to you.

If you are certain we hold your data, we can look again. Please tell us what contact you had with us in the past that you think has led to us holding your data.

OPTION 2: WE AGREE TO ERASURE

We have **deleted/will delete** the personal data we hold on you by **[date of deletion]**. When your personal data has been deleted it will not be accessible, and so will be considered to be beyond use.

[NOTE: If we have passed information to other organisations we need to inform them that it has been erased from our systems. You need to include one of the options below]

We have disclosed some of your personal data to **[organisation/s]**. We have informed them that we have erased your personal data.

[or]

Although we have disclosed some of your personal data to **[organisation/s]**, it has not been possible to inform them that we have agreed to erase your data, for the following reasons **[provide reasons]**.

[or]

Although we have disclosed some of your personal data to **[organisation/s]**, we haven't informed them that we have agreed to erase your data. Contacting them would put an unreasonable burden on our limited resources **[provide reasons]**.

OPTION 3: REFUSAL DUE TO OVERRIDING LEGITIMATE INTEREST

Having carefully considered your request, we have decided that our need to carry out our public task overrides your right to request erasure.

This is because [provide overriding legitimate interests].

Over time our need to hold your personal data will decrease. We will delete it in line with our retention schedule, which you can view here: [Retention and disposal schedule](#).

OPTION 4: REFUSING DUE TO PREJUDICE TO REGULATORY FUNCTION

We are able to refuse an erasure request if we consider that complying with it would be likely to prejudice our regulatory function.

Erasing your personal data would [describe prejudice of erasure].

Over time our need to hold your personal data will decrease. We will delete it in line with our retention schedule, which you can view here: [Retention and disposal schedule](#).

Next steps

Please let us know if you have questions about the way we've handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other data controller. You can [make a complaint through our website](#). You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights.

Yours sincerely

[Name]

ico.

Information Commissioner's Office



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**

[Date]

[Name]

[Email address]

Dear [Name]

Case Reference [case reference]

Response to request for restriction of processing of personal data

In your email of [request date] you said:

[Request wording]

We've handled this as a request that we restrict our processing of your personal data.

[NOTE: If necessary, include this further information]

Article 18 of the UK General Data Protection Regulation (UK GDPR) provides you with the right to instruct a data controller to stop using your data. This is called restriction of processing. It means that a data controller can hold your data, but can't use it.

This right only applies in the following circumstances:

- Where an individual contests the accuracy of the personal data held, the controller will restrict that processing until its accuracy has been verified.
- When processing is unlawful and an individual opposes erasure and requests restriction instead.
- If the controller no longer needs your personal data but you need it to establish, exercise or defend a legal claim.
- You have objected to the controller processing your data, and the controller is considering whether their legitimate grounds override your rights.

In this case you have asked us to restrict the processing of your personal data because [state request reasons].

Our Response

OPTION 1: RESTRICTION APPROVED

We have restricted your personal data. We need to retain some of your personal data to make sure that we can maintain the restriction of your personal data in future.

If we need to lift the restriction on your personal data, we will let you know.

[NOTE: If we have passed information to other organisations, we will need to inform them that it has been restricted. Include one of the following]

We have disclosed some of your personal data to [organisation/s]. We have informed them that we have restricted your personal data.

[or]

Although we have disclosed some of your personal data to [organisation/s], it has not been possible to inform them that we have agreed to restrict your data, for the following reasons [provide reasons].

[or]

Although we have disclosed some of your personal data to [organisation/s], we haven't informed them that we have agreed to restrict your data. Contacting them would put an unreasonable burden on our limited resources [provide reasons].

OPTION 2: RESTRICTION REQUEST DENIED

We restricted use of your data while we considered its accuracy [and/or] our grounds for processing it.

However, I consider that it is accurate [and/or] we do have legitimate grounds for processing your data [give reasons]. This means that we will continue to process it.

OPTION 3: NO RESTRICTION AS EXEMPTION APPLIES

I am refusing your request. If we restrict our processing of your data, it will prejudice the performance of our regulatory functions.

This is because [provide prejudice reasoning].

[NOTE: If necessary, include this further information]

Paragraph 11 of Schedule 2 of the Data Protection Act 2018 lists the Commissioner as a body that carries out regulatory functions. We can refuse a request to restrict the processing of personal data if the restriction would be likely to prejudice those functions.

Next steps

Please let us know if you have questions about the way we've handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other data controller. You can [make a complaint through our website](#).

You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

[Name]

ico.

Information Commissioner's Office



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**

Internal email to email to Group Manager about restriction

We have been contacted by [data subject] who has requested that we restrict the processing of their data.

We need to restrict processing while we consider its accuracy/our legitimate grounds for continuing to process it.

Please arrange for the restriction to be clearly noted in the titles of the following cases:

[List of cases]

We will let you know if we decide to lift this restriction.

Please let us know if you have any questions.

Thanks

[Date]

[Name]

[Email address]

Dear [Name]

Case Reference [case reference]

Response to objection of processing request

In your email of [request date] you said:

[Request wording]

We've handled this as an objection to our processing of your data.

[NOTE: If necessary, include this further information]

Article 21 of the General Data Protection Regulation (GDPR) gives you the right to object to processing of personal data. It only applies when our basis for processing your data is that it is in our legitimate interests, necessary for the performance of a task in the public interest or for the exercise of official authority.

We can continue processing your personal data if there are compelling grounds for doing so, or during the process of a legal claim.

Our response

OPTION 1: WE AGREE TO STOP PROCESSING

We will stop processing your personal data from [date].

OPTION 2: REFUSAL DUE TO PROCESSING BEING NECESSARY FOR PUBLIC TASK

We need to continue processing your personal data. Our need to perform our public task as a regulator overrides your right to object.

OPTION 3: REFUSAL DUE TO PREJUDICE TO REGULATORY FUNCTION

In this case, we need to continue processing your personal data. If we stopped, it would prejudice our ability to perform our regulatory function.

This is because **[provide prejudice reasoning]**.

[NOTE: If necessary, include this further information]

Paragraph 11 of Schedule 2 of the Data Protection Act 2018 lists the Commissioner as a body that carries out regulatory functions. We can refuse your objection to our processing of your data if we considers that this would be likely to prejudice those functions.

Next steps

Please let us know if you have questions about the way we've handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other data controller. You can [make a complaint through our website](#).

You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely

[Name]

ico.

Information Commissioner's Office



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**

Internal consultation template

Hello,

We have received an [FOI request/SAR], and we think your team/department hold some or all of the information requested.

We have been asked for: [Request wording]

We would be grateful if you could respond to the questions below.

As far as you are aware, do we hold this information?	
If so, please provide us with copies, or share a link to where it's stored.	
Do you think that we need to withhold any of the information? If so, why?	
Please explain what harm would be caused to the ICO or any other individual/organisation by disclosure of this information. It's not necessary for you to cite specific exemptions.	
Are you aware of any other individuals/teams that might hold information relevant to this request?	

Because this request has a statutory time limit, please respond by: [Date]

If you have any questions, please let us know.

Template for external consultation following an FOI request

Information request to the ICO

The Information Commissioner's Office (ICO) has received a request for information under the Freedom of Information Act 2000 (FOIA). This is being handled by the ICO's Information Access Team.

We have been asked to disclose [briefly describe request].

As you are probably aware the FOIA provides individuals with the right of access to information held by a public authority. Although we are exempt from disclosing certain types of information, it is in the public interest that we are open, transparent and accountable for the work that we do.

However, it is important to note that a release under FOIA is applicant blind and therefore effectively a release to the wider world.

I have attached a copy of the information in scope of the request for your convenience. They include [brief summary of consultation bundle].

We would therefore be grateful for your assistance in dealing with this request. Having considered the information attached please confirm:

1. If you have any objections to any of the information being disclosed to the requester. If you have objections, please indicate clearly the information you would wish to be withheld, and why, so that your views can be taken into account.
2. If you have any concerns about your own information and that of your colleagues, such as names and contact details, being disclosed.

If you have no concerns, please make this clear in your response.

Due to the statutory deadlines for complying with this information request please reply by the end of the day on [date response required]. If there are any difficulties meeting this deadline do let us know.

I hope the purpose of this email is clear but do contact me directly if you wish to discuss any aspect of this request.

In the meantime, it would be helpful if you could acknowledge receipt of this email.

I look forward to hearing from you shortly.

Yours sincerely

You should be aware that the Information Commissioner's Office often receives requests for copies of the letters we send and receive when dealing with complaints and information requests. Please indicate whether any of the information you provide in connection with this matter is confidential, or for any other reason should not be disclosed to anyone who requests it. You should provide a good reason why this information should not be disclosed to anyone else and explain this clearly and fully.

Template for external consultation following a SAR

Information request to the ICO

The Information Commissioner's Office (ICO) has received a request for information from [data subject's name] which is being dealt with by the ICO's Information Access Team.

[Data subject's name] has asked that we provide them with [briefly describe the information that has been requested].

We are therefore handling their request under the right of subject access in data protection legislation. We can also consider providing the requester with information which is not their personal data on a discretionary basis, given their association with this matter.

As you are probably aware, data protection legislation provides individuals with the right of access to information held about them. Although we are exempt from disclosing certain types of information, it is in the public interest that we are open, transparent and accountable for the work that we do.

I have attached a copy of the information in scope of the request for your convenience. It includes [brief summary of consultation bundle].

We would therefore be grateful for your assistance in dealing with this request. Having considered the information attached please confirm:

1. If you have any objections to any of the information being disclosed to the requester. If you have objections, please indicate clearly the information you would wish to be withheld, and why, so that your views can be taken into account.
2. If you have any concerns about your own information and that of your colleagues, such as names and contact details, being disclosed.

If you have no concerns, please make this clear in your response.

Due to the statutory deadlines for complying with this information request please reply by the end of the day on [date response required]. If there are any difficulties meeting this deadline do let us know.

I hope the purpose of this email is clear, but do contact me directly if you wish to discuss any aspect of this request.

In the meantime, it would be helpful if you could acknowledge receipt of this email.

I look forward to hearing from you shortly.

Yours sincerely

You should be aware that the Information Commissioner's Office often receives requests for copies of the letters we send and receive when dealing with complaints and information requests. Please indicate whether any of the information you provide in connection with this matter is confidential, or for any other reason should not be disclosed to anyone who requests it. You should provide a good reason why this information should not be disclosed to anyone else and explain this clearly and fully.

Template for clarifying requests

Dear [name]

Thank you for your recent request for information. We received your request on [date received].

I have started to consider your request. Before I can progress your request, I would like to ask you for some clarification about the information you are trying to access. Without this clarification we are not able to respond to your request.

You have asked for: [request that needs clarification]

[NOTE: You should provide some rationale as to why you do not consider the request is clear. Remember to provide advice and assistance to help the requester. This might include suggesting information we do hold in the area the requester is looking to explore or information that might already be published and where this is available.]

If you would like us to progress your request please respond providing the above clarification as soon as possible. Once we understand what information you are trying to access we will respond to you within [provide timescale].

If we do not receive your clarification within 28 calendar days then we will consider your request to be withdrawn and you will not receive a response. If you would like to withdraw your request there is no need to respond to this.

If you would like to discuss your request please contact me using the case reference number above.

Thank you for your interest in the work of the Information Commissioner's Office.

PIT Extension template

Thank you for your request for information of [date].

I can confirm that the ICO does hold information within scope of your request.

The information consists of [describe information] which is exempt pursuant to section [section number] of the Freedom of Information Act 2000 (FOIA).

The exemption at section [section number] refers to circumstances where the disclosure of information:

[NOTE: Insert prejudice test of relevant section, eg section 31 would be: "would, or would be likely to, prejudice... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."]

[NOTE: Additionally, if there are any other sections that are relevant, such as sections 31(2)(a) and 31(2)(c) when using section 31, include these too]

This applies to the information we hold about [describe information with reference to request]. The prejudice of disclosure of this information is [describe the prejudice]

The exemption at section [section number] is not absolute and we must now perform a public interest test to determine whether the exemption falls away or is maintained.

Section 10(3) of the FOIA enables an authority to extend the 20 working day limit up to a 'reasonable' time in any case where it requires more time to determine whether or not the balance of the public interest lies in maintaining an exemption.

The FOIA does not define what might constitute a 'reasonable' extension of time. However, the ICO's view is that an authority should normally take no more than an additional 20 working days to consider the public interest, meaning that the total time spent dealing with the request should not exceed 40 working days.

We will therefore respond to you by [date] unless we are in a position to respond earlier. Should we not be in a position to respond by that date we will provide a further update.

Internal review template

Review of response to information request

I write further to your email of [date of IR request] in which you requested a review of the handling of your request dealt with under the reference number [reference number].

Section 45 of the Freedom of Information Act 2000 (FOIA) requires the publication of a code of practice, designed to assist public authorities handle requests under the FOIA.

This guide recommends that public authorities put in place an internal review process for FOIA responses, which our guide suggests should be triggered whenever a requester expresses dissatisfaction with the outcome of a request they have made.

The purpose of an internal review is to look again at your request, at our response, and to check that any exemptions applied were appropriate.

As a result we have conducted an internal review of our response to your information request. I am a [job title] in the Information Access Team and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On [date of request] we received a request from you which sought the following information:

[Wording of original request]

On [date of response] we responded by advising you that [provide a summary of the response].

Review

Complaint procedure

If you consider that your request for personal data has not been dealt with correctly under data protection legislation, you have a right of appeal to this office in our capacity as the statutory complaint handler under the GDPR and Data Protection Act 2018.

To make such an application, please write to our public advice and data protection complaints department at the address below, or visit the ['Make a complaint'](#) section of our website.

If you are dissatisfied with the outcome of this review you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint: <https://ico.org.uk/make-a-complaint/>.

Yours sincerely

Acknowledge new information request

Thank you for your recent request for information. We received your request on [received date]. Your request will be allocated to an Information Access Officer who will contact you under the reference number above in due course.

In summary, your request is: [Request wording]

Under statutory timeframes our response to your request is due by [due date]. If you have any queries about this information request you may email us, quoting our reference number in the subject line.

Please note that Information Access Officers are only able to address information requests to ICO; they are unable to assist with complaints to ICO, or to provide general advice about the legislation we oversee, as this work is done by other ICO departments.

Our privacy notice explains what we do with the personal data you provide to us when you make an information request:

<https://ico.org.uk/global/privacy-notice/make-an-information-request>

Thank you for your interest in the work of the Information Commissioner's Office.

Yours sincerely