



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

For immediate release

Date: 7 November 2008

CLG ordered to improve handling of Fol requests

The Information Commissioner's Office (ICO) is advising the Department of Communities and Local Government (CLG) that it must improve its handling of requests made under the Freedom of Information Act in order to conform to the expected standards of good practice.

A formal [practice recommendation](#) has been issued by the ICO in response to the Department's failure to respond to internal reviews in accordance with the Commissioner's published guidance. Public authorities must respond to requests for internal reviews within 20 working days, or 40 days in exceptional circumstances.

The ICO carried out an audit of complaints concerning the Department's practices and identified a significant backlog of internal reviews. Some of the reviews requested remained outstanding over 400 working days later. A number of the delays continued after the ICO had drawn the Department's attention to ICO guidance specifically relating to this matter.

The Commissioner is concerned that information management within the CLG, particularly in relation to Fol requests, may not be adequately resourced or given appropriate priority. He has advised that the CLG, as with all authorities, must ensure appropriate expertise and resources are in place to comply with the Act and conform to the associated Codes of Practice.

In issuing the practice recommendation the Information Commissioner, Richard Thomas, recognises that the CLG is taking steps to address the backlog of internal reviews and also welcomes the fact that it has reviewed resourcing arrangements to more effectively deal with internal reviews. However, he considers that, prior to the drafting of the practice recommendation, the Department failed to demonstrate an appropriate level of commitment to improvement and failed to offer acceptable explanations for performance issues.

To obtain a copy of the practice recommendation, go to

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/notes/dclg_pr_03_11_08.pdf

ENDS

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The ICO promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
3. Under the Freedom of Information Act if an individual is not satisfied with the response it receives from a public authority following a request made under the Freedom of information Act it can ask the authority to conduct an internal review.
3. The ICO is of the view that the Department's procedures do not conform to the following Code of Practice issued by the Secretary of State for Constitutional Affairs in November 2004:
 - Discharge of Public Authorities' Functions under Part 1 of the Freedom of Information Act 2000 issued under section 45 of the Act (the 'Code').

A full copy of the Code can be found at:

<http://www.dca.gov.uk/foi/reference/impref/codepafunc.htm>

4. The ICO has published specific guidance on time limits for carrying out internal reviews in his Freedom of Information Good Practice Guidance No. 5, published in February 2007.

A copy of this guidance is available at:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/foi_good_practice_guidance_5.pdf

5. The ICO has also had dealings with the Department regarding the Data Protection Act. In September 2008 the DCLG was issued with an [Enforcement Notice](#) in response to a failure to respond to a request in the required timeframe.
6. Failure to comply with a Practice Recommendation may lead to failure to comply with the Act which in turn may result in enforcement action.