

Date: 25 February 2026

Case Reference IC-462999-X8S7

Review of response to information request

I write further to your email of 31 January 2026 in which you requested a review of the handling of your request dealt with under the reference number IC-462999-X8S7.

As a result, we have conducted an internal review of our response to your information request which was handled under the above reference number. I am a Group Manager 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 31 December 2025 we received a request from you which said:

- 1. Copies of any internal ICO policies, guidance, briefings, emails, or meeting notes that refer to the Ministry of Justice requiring photo ID and/or proof of address in order to treat FOI requests as "valid" under section 8 FOIA.*
- 2. Copies of any complaints received by the ICO about this Ministry of Justice practice, together with any ICO correspondence, assessments or decisions relating to those complaints.*
- 3. Copies of any correspondence between the ICO and the Ministry of Justice that concerns:
 - a) "real name" requirements for FOI requesters; and/or*
 - b) identity verification or the use of identity documents in connection with FOI requests.**
- 4. Copies of any internal ICO policies, guidance or briefing material that explain how the ICO interprets the requirement in section 8 FOIA that a requester must "state the name of the applicant", including:
 - a) how the ICO defines or understands the term "real name" as used in its published guidance; and*
 - b) how this relates to legal names, pseudonyms, or aliases, and to any need (or lack of need) for documentary proof of identity.**
- 5. Copies of any data protection impact assessments, risk assessments or similar documents held by the ICO that consider the risks of public authorities asking FOI requesters to submit identity documents (such as passports, driving licences or utility/financial statements), particularly where such documents are requested to be sent*

as attachments via public transparency or FOI-archive websites (for example, WhatDoTheyKnow).

We responded on 28 January 2026 advising that Section 12 applied to your request as providing a reply would take in excess of 18 hours for the authority to provide a response. Advice and assistance was provided in order for you to modify and narrow down your request.

Review

On receipt of the response, you requested an Internal Review as follows:

Please treat this email as a request for an internal review of your response dated 28 January 2026, in which you refused my FOIA request under section 12 (cost limit). Reference: IC-462999-X8S7.

1) Section 12 estimate needs proper evidencing

You rely on an estimate based on "almost 450" ICO complaint cases where the Ministry of Justice is the about party, at an average of 3 minutes per case (22.5 hours).

Please provide a clearer explanation of how this estimate was calculated, including:

1A) what searches were attempted (if any) within the electronic case management system,

1B) what searchable fields exist (for example: issue type, statutory provision, complaint category, free-text search, tags, keywords, structured metadata),

1C) whether any sampling exercise was performed to justify "3 minutes per case" as an average,

1D) why a targeted retrieval method was not used, rather than assuming manual checking across the full set of cases.

2) Clarify whether any automation or tooling exists to reduce manual case-by-case checking

Your response states the case management system "is not set up to easily provide" the requested information.

For avoidance of doubt, please confirm:

2A) whether the ICO has any automated or semi-automated capability to locate relevant material within cases (for example keyword search across correspondence, indexing, tagging, bulk export/search, eDiscovery-style tooling),

2B) if such capability exists, why it was not used to bring the request within the appropriate limit,

2C) if no such capability exists, whether that is because the system lacks search/index functions, or because the relevant fields are not populated consistently.

3) The suggested "section 8 recorded" filter appears to undermine the section 12 refusal *You state that limiting the request to complaints "recorded as being about section 8 of the FOIA" would allow manageable searches.*

That suggests the ICO can identify a subset of cases by classification. Please clarify:

3A) how many of the "almost 450" MoJ about-party cases are recorded as being about section 8 FOIA,

3B) whether you obtained or could obtain that figure without manual review of all 450 cases,
3C) why this filtered count and approach was not used before refusing the request under section 12.
If cases are 'recorded as being about section 8 FOIA', it suggests a non-manual classification mechanism exists, so the assumption that all MoJ about-party cases must be checked individually needs to be justified.

4) Searches for parts 1, 4 and 5 should be capable of being handled as centralised policy/governance material
Parts 1, 4 and 5 seek internal policy/guidance/briefings and DPIA or risk assessment material.

Please explain:

4A) what searches were actually undertaken for these parts (teams consulted, systems checked, keywords used),
4B) why these areas necessarily require "searches spanning numerous teams and systems" rather than retrieval from relevant central policy, governance, FOI regulatory, or information assurance functions.

5) Reasonable partial disclosure and/or staged handling
Even if complaint case trawling is time-consuming, it is not obvious that all parts of the request necessarily exceed the cost limit. Please reconsider whether:
5A) parts dealing with policy/guidance/DPIA material could be handled separately within the appropriate limit, and
5B) a staged approach is possible (for example, current versions of relevant guidance first, then a narrowed case search).

Requested outcome

I ask that the ICO reassess the section 12 refusal and either:

A) disclose the information requested (in full or in part), or
B) issue a revised response that clearly details the searches undertaken and provides a properly evidenced cost estimate, including the number of cases recorded as being about section 8 FOIA and the ICO's available search/automation capabilities.

The purpose of this review is to look again at your request and the response that was provided to you, to ensure it was correct and that any exemptions applied were appropriate.

I can confirm that I have reviewed the correspondence on the information request and will respond to the comments made.

1) Section 12 estimate needs proper evidencing

The Case Officer is an extremely knowledgeable member of the team with many years of experience of handling such cases. Consequently she is well aware of how long it would take to undertake manual searches of individual cases. Therefore no sampling was required. It is not possible to undertake key word searches.

Therefore it was not possible to utilise a targeted retrieval method. The information provided was sufficient to estimate the time which it would take to provide a response.

- 2) *Clarify whether any automation or tooling exists to reduce manual case-by-case checking Your response states the case management system "is not set up to easily provide" the requested information.*

As advised above, no automation or tools exist which remove the need to manually review the relevant cases. This is down to functionality.

- 3) *The suggested "section 8 recorded" filter appears to undermine the section 12 refusal. You state that limiting the request to complaints "recorded as being about section 8 of the FOIA" would allow manageable searches.*

Please note that the FOI Complaints Team would not accept complaints from persons using an alias as the initial request would be invalid and therefore the public authority concerned should not issue responses through the FOIA process until the request has been validated. It is not possible to search the case management system for FOI Complaints which cite Section 8 as the reason for complaining. Please click on the following link to view the ICO Guidance in respect of the use of Section 8: [Recognising a request made under the Freedom of Information Act \(section 8\) | ICO](#)

- 4) *Searches for parts 1, 4 and 5 should be capable of being handled as centralised policy/governance material. Parts 1, 4 and 5 seek internal policy/guidance/briefings and DPIA or risk assessment material.*

I note your comments. You are requesting very specific information requiring substantial searches on individual FOI complaint cases relating to the Department of Justice. As previously advised, this would not be possible within 18 hours. However, all such complaint investigations would be undertaken taking into account the published guidance. I have supplied the link to the Section 8 guidance above. Please also refer to the following guidance: [Consideration of the applicant's identity or motives | ICO](#) Section 21 applies to this information as it is accessible to you by other means.

- 5) *Reasonable partial disclosure and/or staged handling Even if complaint case trawling is time-consuming, it is not obvious that all parts of the request necessarily exceed the cost limit.*

Once it becomes apparent that the appropriate limit would be exceeded, the case officer is required to produce an estimate, based on what is already known about the costs involved. They are required to inform the applicant that section 12 is engaged by issuing a refusal notice. This is what happened in this case.

It is not appropriate to issue a partial disclosure. The guidance states that it is a matter of good practice that officers should avoid providing partial responses of the information found through any searches already conducted up to the appropriate limit; and then claiming section 12 for the remainder of the

information. In addition, officers are not required to search up to the appropriate limit simply because the applicant has asked them to do so. Officers are required to inform the applicant that section 12 is engaged for the whole of the request. Officers can then offer advice and assistance which should enable the applicant to make a fresh request, targeting the information which they are most interested in from that which could be provided within the limit. This is what occurred in this case.

I will repeat what was advised in the initial response in that you may be able to narrow the scope of your request to bring this within the cost limit. If you were prepared to limit any elements of your request which would require us to search our case management system to complaints which have been recorded as being about section 8 of the FOIA this would allow us to undertake manageable searches. You could specify a reduced time limit which would reduce the number of cases we would be obliged to manually review.

For these reasons, your review is not upheld.

Complaint procedure

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/>