

Date: 25 February 2026

Case Reference IC-462709-D9Z1

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-462709-D9Z1.

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 29 December 2026 we received a request from you which concerns the Ministry of Justice's practice of fulfilling data subject access requests (SARs) in "paper format only", even where the request is made electronically and the requester has not asked for a paper response. You stated that you were seeking to understand what the Information Commissioner's Office (ICO) knows about this practice and how it has been assessed in light of UK GDPR, the Data Protection Act 2018 and duties to make reasonable adjustments for disabled people. You went on to ask a series of questions on this specific topic.

We responded on 28 January 2026 advising that Section 12 applied to your request as issuing a response would take in excess of 18 hours for the authority to be in a position to provide. 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:

I also appreciate the guidance provided about narrowing the scope of the request and the indication that relevant recorded information may be held by PADPCS outside the casework system.

I am writing to request an internal review of the decision to refuse the request under section 12 of the Freedom of Information Act 2000.

I understand the ICO is not required to comply with a request where the cost of doing so would exceed the appropriate limit, and I accept that the ICO must apply the statutory cost limit. However, I am seeking an internal review because I do not believe the response sufficiently addressed the duty to provide advice and assistance, or whether partial compliance could reasonably be achieved within the cost limit.

My grounds for requesting an internal review are set out below.

1) Advice and assistance

- a) Please review whether the response provided sufficiently practical advice on how the request could be refined to bring it within the cost limit, beyond general suggestions.*
- b) Please review whether the ICO considered any reasonable alternative approaches that could allow disclosure of recorded information without the manual review of a large volume of individual case files.*

2) Partial compliance within the cost limit

- a) Please review whether any information within scope is likely to be held centrally outside individual case files, such as internal guidance, policy notes, standard positions, briefings, or template wording relevant to the issues raised by the request.*
- b) If such centrally held recorded information exists, please review whether it could be located and disclosed within the cost limit, with redactions, as necessary.*

3) Searches and the estimate relied upon for section 12

- a) The response states the case management system is not set up to "easily provide" the information requested and that the ICO is not able to electronically search for it in a way that avoids manual review. Please clarify what searchable fields, filters, or metadata are available within the case system, and why these could not be used to narrow the universe of potentially relevant cases.*
- b) Please review whether the estimate of approximately 1100 potentially relevant cases and a manual review time of three minutes per case was appropriately evidenced for section 12 purposes, and whether any reasonable narrowing or sampling approach could have enabled disclosure of some information within the cost limit.*

4) PADPCS held information and intended narrower FOI

- a) I note the response indicates there may be relevant recorded information held by PADPCS outside the casework system, including reference to single points of contact for MoJ complaints. To be clear, I intend to submit a separate, narrower FOI request specifically targeting PADPCS-held information outside the casework system, in line with the guidance provided.*
- b) This is not an attempt to be vexatious or to frustrate the ICO's work. It is a genuine attempt to obtain recorded information in a form that is realistically retrievable within the statutory limits, and I remain keen to access this information.*

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. Advice and Assistance

I believe that the advice and assistance provided by the case officer was adequate and acceptable as per our normal processes. You were advised how you could consider refining your request.

2. Partial compliance within 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.

3. Searches and the estimate relied upon for section 12

The Case Officer is an extremely knowledgeable member of the team with many years of experience of handling such cases. She was clear in the number of MoJ complaint cases some of which could have fallen within the scope of your request. However, as was explained in the initial response, it is not possible to undertake key word searches. A manual review of all the cases is required as it is not possible to utilise a targeted retrieval method. The number of MoJ cases located, combined with the previous experience of the case officer was sufficient to estimate the time which it would take to provide a response. In this case 1100 cases x 3 minutes per case = 55 hours.

4. PADPCS held information and intended narrower FOI

I note your intention to submit a new revised FOI request in respect of this point.

For these reasons, your review is not upheld.



Information Commissioner's Office

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/>