

INTERNAL REVIEW PROCEDURE FOR FREEDOM OF INFORMATION ACT AND ENVIRONMENTAL INFORMATION REGULATIONS COMPLAINTS

1. Subject to 2 below, a copy of any complaint should be immediately passed to the Freedom of Information Officer (currently Tom Swain – Governance and Data Protection Officer).
2. If the complaint arises from any decision of the Freedom of Information Officer it should immediately be passed to the Director (currently Paul Naylor) in order to ensure the Review is impartial and undertaken by a person more senior.
3. The service manager receiving the complaint shall notify the complainant that the internal review procedure is being implemented and shall advise the complainant (following advice from the reviewer) of the timescale in which a response is likely to be made.
4. The appropriate service manager shall ensure that a copy of the original request for information and all papers relating to the subject matter including the original response are passed to the person conducting the internal review within 3 working days of the complaint being received.
5. The Freedom of Information Officer or the Director as the case may be shall convene a meeting involving himself, the Head of Legal and Democratic Services (or their nominee) the appropriate service manager and, if different, the person who declined to release information.
6. The review will be undertaken by the Freedom of Information Officer or the Director as the case may be within three weeks of receipt of the complaint unless the issue is complex (e.g. consideration of the public interest test) where it will be undertaken within a maximum of six weeks.
7. The reviewer shall make a fresh decision following a fair and thorough review of handling issues and the original decision, taking into account the matters raised by the investigation of the complaint. Where the qualified person previously expressed the opinion that information was exempt under section 36 of the Freedom of Information Act 2000, the qualified person will not be obliged to revisit his opinion.
8. Possible outcomes of the review include a determination that the correct procedure was not followed when the original decision was made (e.g. unreasonable time taken, failure to state why exemption applied), that exemptions not previously relied on apply and that information ought to be disclosed.
9. The outcome of the review will be recorded in writing by the reviewer and notified to the complainant by the reviewer within two working days of the outcome of the review.
10. Where the original decision to withhold information is reversed the complainant shall be so advised and informed by the service manager of the timescale in which the information will be released.
11. The complainant must be advised of their further rights of appeal to the Information Commissioner's Office together with full contact details.

Unless notified otherwise, the Council will not review complaints about Freedom of Information Act requests when its original decision was that the request is vexatious or repeated. Those aggrieved should instead complain directly to the Information Commissioner's Office.