

## Freedom of Information Complaints Procedure

Under the Freedom of Information Act (FOIA) requesters are entitled to complain to the council if they:

- Think that the application was not dealt with within the 20 working day time limit.
- Didn't receive all the information they requested
- Didn't receive a reason for the request being refused
- Feel that exemptions have been wrongly applied, and/or
- Feel that a fee has been wrongly applied

Any written reply from an applicant expressing dissatisfaction with the council's response to a valid request for information will be treated as a complaint to be dealt with under this procedure. The council reserve the right to ask the applicant for clarification as to the grounds of their complaint if it is not clear. A complaint should be made no longer than 4 weeks after the applicant has received the response.

Complaints will be received by the Information and Records Manager, who will log the case and forward it to the monitoring officer, or representative (reviewing officer) who will review the details of the request and the response and provide a decision within 4 weeks of the date of receipt of the complaint. If at any time it becomes apparent that this deadline cannot be met, the applicant will be informed and given an explanation for the delay.

The reviewing officer will be independent from the initial decision. All original factors will be reconsidered at this internal appeal stage. The decision of the reviewing officer is final and staff will have to cooperate with the reviewing officer and provide information if requested to do so.

Where the reviewing officer is of the opinion that the council's procedures or processes for handling information requests can be improved they may make a recommendation to the council's Information and Records Manager.

If the original decision is reversed and the information is deemed suitable for release, the applicant will be informed immediately, and the information will be sent out within 10 working days, unless this is not possible in which case a time for release will be stated in the decision letter.

If the original decision is upheld and the authority still feels the information is exempt from release, the applicant will be informed of the decision, the reasoning behind it and of their right to appeal to the Information Commissioner.

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.  
Tel: 0303 123 1113. [www.ico.org.uk](http://www.ico.org.uk).

The Information Commissioner recommends that complaints should first be made to the public authority concerned. It is only after it has gone through this internal complaints procedure that the Information Commissioner should be contacted.

This complaints procedure shall be used for complaints under the Freedom of Information Act, the environmental information regulations and those relating to the publication scheme. There is a separate complaints procedure for general complaints about council services.

Reviewed November 2019