

ICO Requests for Information Review Procedure

Scope of Procedure

The Environmental Information Regulations 2004 (EIR) is the only legislation that requires the Information Commissioner to have a review procedure, however this procedure will also be adopted for use in relation to complaints made to the Information Commissioner regarding request for information made under the Freedom of Information Act 2000 (FOIA).

Any applicant for information may make representations to the Information Commissioner if it appears to them that he has failed to comply with any of his duties to:

- make environmental information available in accordance with the EIR, or
- to provide a right of access to information held by the Information Commissioner in accordance FOIA.

Timescale

Representations must be made in writing within 40 working days of the date on which it appears to the applicant that the Information Commissioner is in breach of his duty.

Procedure on receipt of a request for review

When such representations have been received the Information Governance Department will log the complaint and send an acknowledgement letter to the applicant.

The complaint will not be handled by anyone who dealt with the original decision, although it may be necessary to consult the original request handler. It will be referred to someone with the appropriate level of seniority and expertise.

The reviewer will consider the representations and any supporting evidence produced by the applicant and decide if the Information Commissioner has complied with his duties. The applicant will be

notified of the decision in writing within 20 working days from the day after receipt of the representations.

If it is decided that the Information Commissioner has not complied with his duties the breach shall be remedied immediately and the Information Governance Manager will be notified. The Information Governance Department will ensure the proper recording and processing of the internal review.

Formal Complaints

If the applicant remains dissatisfied with a request for information which has been dealt with under FOIA or EIR, he has the right to make a formal complaint/request for a decision notice to the Information Commissioner.

Should the applicant do this, the complaint will be dealt with as any other similar request by a Senior Case Officer not previously involved in consideration of the original request.

In the event that a decision notice is served and subsequently appealed, the Information Commissioner himself will be consulted and advised by a Senior Case Officer and a lawyer not previously involved in dealing with the request, internal review or complaint.

A summary of the Information Commissioner's Enforcement Powers and Appeal procedures are available on request.