

FREEDOM OF INFORMATION COMPLAINTS PROCEDURE

1. Introduction

1. This complaints procedure will only apply to complaints made in relation to the Freedom of Information Act 2000.
2. The right to complain is a fundamental part of the Act and according to Section 45, the University is expected to have in place, a procedure for dealing with complaints about the way requests for information are handled.
3. This procedure will be used to consider complaints from applicants when they think the University has failed to:
 - provide the information they requested
 - respond to their requests within 20 working days (or failure of the University to explain why longer than 20 working days is needed)
 - give proper advice and assistance
 - give information in the form in which they requested the information
 - properly explain the reasons for refusing the request
 - correctly apply an exemption under the Act
 - comply with its Publication Scheme.
4. All complainants will have to exhaust the University's complaints procedure before contacting the Information Commissioner.

2. Purpose

1. The internal review is to enable the University to resolve complaints received from complainants fairly and impartially and may result in previously taken decisions being either reversed or amended.
2. There is no statutory time limit for dealing with internal reviews and it will depend on the complexity of the complaints. However, as much as possible the University's target time limit will be 20 working days.
3. The internal review is carried out to find whether:
 - the Freedom of Information Act has been properly applied

- the information requested genuinely fall within the exemption(s) cited in the earlier response sent to the complainant
- there have been any developments since the original response that should alter the review approach
- any weight should be given to any additional points made by the complainant when registering the complaint
- it is possible to provide any further information to the complainant. For example, can we redact documents to remove sensitive information and enable their release, or can we provide any alternative information that will help the complainant?
- there is a public interest in overriding the relevant exemption and permitting disclosure
- there are any lessons for handling future complaints?

3. Handling the complaints

1. Any written communication received by the University which expresses dissatisfaction with the way of Freedom of Information request was handled will be treated as a complaint.
2. Any written communication received by the University which shows that it is not complying with its Publication Scheme will be treated as a complaint.
3. Complaints should be directed to the Director of Archives, Records and Information Access who will log and track them.
4. Complaints should be dealt with within 20 working days. However, in a case where a complaint is very complex, it should be dealt with beyond the target period of 20 working days.
5. The Director of University Archives and Information Compliance will write to the complainants informing them of when they should expect the outcome of the internal review.
6. A review panel to be chaired by one of the Pro Vice Chancellors and including the University Secretary and Clerk to the Board of Governors, and one of the Executive Deans will handle complaints.

4. Review Process

1. The Director of Archives, Records and Information Access will organise the review meeting and will invite those who provided information for the original request.
2. The meeting can be simple and informal but it is important that the outcome is recorded together with the reasons for it.
3. The actual decision will be made when those who provided information for the original request are not present.
4. The Director of University Archives and Information Compliance will attend the review meeting and write the minutes but will not to take part in the deliberations.

5. The outcomes

1. The three possible outcomes of the review will be:
 1. the original decision is upheld or
 2. the original decision is reversed or
 3. the original decision is modified.

What to do next:

1. If the original decision is upheld, the complainant should be notified in writing by the Pro Vice Chancellor and advised of their right to appeal further to the Information Commissioner together with full contact details of the Commissioner's Office.
2. Where the Review Panel reverses or modifies the University's original decision as a result of the internal review, its decision will override the original decision sent to the complainant.
3. When the original decision is reversed, the complainant should be informed by the Director of University Archives and Information Compliance and sent the information requested.
4. If the outcome of the review is to release some of the information requested, but not all of it, the complainant must be notified of the right of appeal to the Information Commissioner.

6. The role of the Information Commissioner

1. The Information Commissioner has responsibility for the overall enforcement of the Freedom of Information Act.
2. Complaints about decisions by the University can be made to the Information Commissioner after an internal review for a decision on whether the University dealt with the information request in accordance with the Act.

7. Handling a reference from the Information Commissioner

1. If a case is appealed to the Information Commissioner, the Information Commissioner's Office will write to the University to request for further information in order to consider the appeal.
2. Usually this will be the information that was originally requested from the University under the Freedom on Information Act by the appellant as well as the University's reasons for non-disclosure.
3. If the Information Commissioner upholds a complaint and decides that the University must disclose the information, a Decision Notice will be issued and served on both the complainant and the University. This will specify the information that must be disclosed and the time period for doing so.
4. When the University receives a Decision Notice, it has to comply because refusal to do so could be treated as contempt of court if referred by the Information Commissioner to the High Court.
5. If the University receives a Decision Notice that over-rules the previous action it took, (for example, to withhold information), it can either comply with the Decision Notice or can appeal to the Information Tribunal. This will require considerable internal consultations, often involving the Vice-Chancellor.
6. The Director of University Archives and Information Compliance in consultation with the University Secretary and Clerk to the Board of Governors will liaise with the Information Commissioner's Office.

For further information, please contact the Director of University Archives and Information Compliance foi@lsbu.ac.uk

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