

# INFORMATION GOVERNANCE INTERNAL REVIEW PROCEDURE

22 December 2014

Prepared by:	Samantha Donigan, Assurance Manager
Date effective from:	22/12/2014
Policy approved by:	Suzanne Frier, Acting Director of Finance
Review Date:	22/12/2017

EIA Required?	<input type="checkbox"/>
EIA Completed?	<input type="checkbox"/>
Revision number:	<a href="#">Click here to enter number.</a>
Lead officer:	Samantha Donigan, Assurance Manager

## **1 INTRODUCTION**

- 1.1 This procedure sets out the process to follow for undertaking an internal review in relation to a decision made in relation to Information Governance (data protection, freedom of information or environmental information).

## **2 INTERNAL REVIEW**

- 2.1 The procedure relates to the following pieces of legislation:
- Data Protection Act 1998
  - Freedom of Information Act 2000 (section 17(7) and section 45 code of practice)
  - Environmental Information Regulations 2004 (section 11)
- 2.2 These pieces of legislation give people a right to access, and also a right to complain about the response received in relation to a request.
- 2.3 Where a requestor is not happy with the response they have been provided with and / or feels that the organisation hasn't dealt with the request properly then they are entitled to request an internal review of the original decision that has been made. This request is to ask the organisation to reconsider its original response.
- 2.4 Should the requestor not be happy with the response of the internal review, or wish to bypass the internal review process, then they are entitled to contact the ICO direct. It is good practice to provide the ICO's details in the response.
- 2.5 Upon receiving a request for internal review, the organisation should consider the representations made by the requestor (including any supporting evidence provided) and decide if it has complied with the requirements of the relevant Act.

## **3 THE PROCEDURE**

- 3.1 Where a requestor wishes the organisation to reconsider a response, it must make this representation within 40 working days of the requestor receiving the response to their request. Complaints made after the 40 working day timescale has passed will not be considered unless there are extenuating circumstances.
- 3.2 The internal review request must be made in writing. It may not necessarily state that it wishes for an internal review to be conducted but any written expression of dissatisfaction should be should be dealt with as a request for an internal review.

- 3.3 The outcome of the internal review will be provided to the requestor as soon as possible and no later than 20<sup>1</sup> working days from receipt of the internal review request.
- 3.4 An acknowledgement will be sent to the requestor letting them know that an internal review has commenced and the ultimate date by which they should expect to receive a response.
- 3.5 Where the organisation finds that it is unable to meet that deadline, because the issue is complex or requires more lengthy consideration, then the requestor should be kept informed of this and a new deadline provided.
- 3.6 The following guidelines should be followed when conducting an internal review:
- The review should be conducted by someone senior to the person who originally dealt with the request. In practice, this would normally be the Director of Finance
  - The review should include a thorough re-examination of the original decision and handling of the request
  - It should be genuinely possible to have a previous decision amended or reversed
  - There should be provision to review the outcome of a public interest test (where applicable by the relevant Act)
  - The process should allow for a prompt decision to be given to the requestor
  - Records should be kept of the decision making process.
- 3.7 The review should take into account whether any circumstances have changed since the original request was received, as this is quite possible. The review must take into account the circumstances which applied at the time the request rather than those in place at the time the review is undertaken.
- 3.8 If the circumstances at the time of the review have changed to the extent that information is now disclosable, then this should be done as it is the sensible thing to do.
- 3.9 Where an internal review is not upheld, the organisation must communicate the reasons for that decision to the requestor and provide information about complaining to the ICO.
- 3.10 If a review reverses a previous decision to withhold information then the organisation should release information to the requestor immediately.
- 3.11 Where other failings are identified as part of the review, the response should state how these will be corrected. Where necessary, further explanations and apologies will be provided.

---

<sup>1</sup> The requirement in EIR is to respond in 40 working days but to be consistent; the organisation will apply a 20 working day rule across all of the Acts with regard to internal review.

- 3.12 The organisation will improve its own internal processes to prevent issues recurring where decisions have been reversed. The organisation will also monitor complaints and requests for internal reviews in order to determine whether there are any wider service improvements which could be made.

## **4 EQUALITY IMPACT ASSESSMENT (EIA)**

- 4.1 The results of an Equality Impact Relevance Screening have determined that a full EIA is not required.

## **5 OWNERSHIP, MONITORING & REVIEW**

- 5.1 This procedure is owned by the Assurance Manager is part of a suite of Information Governance policies and procedures.
- 5.2 The procedure will be monitored regularly and updated where there are significant changes in working practices, best practice or legislation.
- 5.3 The procedure will be reviewed every three years.