

Freedom of Information Complaints Procedure

Procedure for the processing of complaints and the conducting of internal appeals relating to requests for information made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004

1. This procedure fulfils the requirements of section 6 of the *Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 Issued under section 45 of the Act* which states that Public Authorities must have a procedure in place for dealing with complaints both in relation to its handling of requests for information and in relation to the authority's publication scheme.
2. Furthermore it also fulfils the requirements of part XII of the *Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004 Issued under Regulation 16 of the Regulations* which states that each public authority must have a review procedure in place.
3. When communicating any decision made to refuse a request, the University will inform requesters how to make a complaint as required under s17 (7) of the Act and s14 (5) of the Regulations.
4. The University will deal with complaints informally if possible (for example when a document is mistakenly not sent) but if complaints cannot be resolved easily, swiftly and satisfactorily on an informal basis, this procedure is to be used.
5. Any written communication from a person who has previously made a request for information under the Act or the Regulations which expresses dissatisfaction with an authority's response to a request for information, will be treated as a complaint. Requesters may be unhappy if, for example:
 - Their request was not dealt with within the 20 working days timescale;
 - They did not receive all of the information that had been requested; or
 - A fee was charged which they consider to be excessive or incorrect.
6. Any written communication from a person who considers that the authority is not complying with its publication scheme is also to be treated as a complaint.
7. Such communications will be handled in accordance with this procedure, even if no direct request for the University to review its decision or its handling of the application is made.
8. In all cases, complaints will be acknowledged within ten working days: the complainant will be informed that a review will be conducted and that it is the intention of the University to complete the review within twenty working days.
9. Where it is apparent that the review of the complaint will take longer than twenty working days, the complainant will be informed and the reason for the delay will be explained. The time taken to conduct reviews should not exceed 40 working days.

10. Where the complaint concerns a request for information under the general rights of access, the review should be undertaken by someone senior to the person who took the original decision.
 - The University Secretary shall undertake the review if he was not involved in the original decision;
 - The Vice Chancellor will undertake the review if the University Secretary made the original decision; and
 - The Chair of Council will undertake the review if the Vice Chancellor made the original decision.
11. The reviewer will undertake a full re-evaluation of the case, taking into account the matters raised in the complaint. They will be provided with all the information and records relating to the original request and will undertake an impartial, thorough and swift review of handling issues and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information. They will make a fresh decision taken on a reconsideration of all the factors relevant to the issue.
12. Records will be kept of all complaints and of their outcome.
13. The complainant will always be informed of the outcome of his or her complaint, whether the review found that there had been a failure in compliance or not.
14. If the outcome of the review was that the University has not complied with the requirements of the Act, the response to the complainant should state this, the action decided to be taken to comply and the period within which that action is to be taken.
15. Where the outcome of the review of a complaint is a decision that information should be disclosed which was previously withheld, the information in question should be disclosed within twenty working days of that decision.
16. Irrespective of the outcome, the complainant will always be informed of his or her right to apply to the Information Commissioner's Office, and be given details of how to contact it.
17. Where the outcome of a complaint is that existing procedures have not been properly followed, the complainant will receive an apology and appropriate steps will be taken to prevent similar errors occurring in future.
18. A regular review will take place to monitor and review complaints and how they have been handled.