

Procedure

Internal Review of Information Request Complaints

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Rev	Date	Description	Owner	Approver
1.1	June 2016	Minor error corrected in flowchart	T. Walker	Senior Information Risk Officer
1	May 2016	First Issue	T. Walker	Senior Information Risk Officer
0.1	April 2016	Updated to incorporate P Lock review comments	TBC	Senior Information Risk Officer
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1 Purpose and Scope

This procedure outlines how internal reviews should be conducted if a complaint is made regarding RWM's handling of requests for information. Any complaint received regarding request handling is a potential non-compliance with RWM procedure RWPR72 (Processing Requests for Information). It may also indicate non-compliance with the [Freedom of Information Act 2000](#), [Environmental Information Regulations 2004](#) or [Data Protection Act 1998](#). Any other type of complaint must be dealt with by the RWM Complaints Procedure – RWPR57. If the review shows that it is a non-compliance then procedure RWPR58 – Non-conformance and Corrective Action should be followed.

Internal reviews must be a fair and impartial means of reviewing decisions made during the original consideration of whether to release information. As a minimum, all internal reviews must consider the information released against the information requested and make a full review of the papers associated with the original application.

2 Responsibilities

2.1 Freedom of Information Manager (FOI Manager)

Responsible for:

- Maintaining, updating and implementing this procedure
- Notifying RWM's SIRO when complaints are received
- Logging complaints in the 'Complaints' tab of the *Master Tracking Sheet* (LL: 21605017)
- Creating a sub-folder in the '*Information Request Complaints*' folder to hold all the information associated with the complaint:
(<http://ndahqewc01/livelink/llisapi.dll?func=ll&objId=23194681&objAction=browse&viewType=1>)
- Keeping legally admissible records
- Correspondence with the complainant
- Ensuring reviews are conducted within defined timescales
- Appointing the Review Panel members in consultation with the SIRO
- Collating evidence and recording decisions taken by the Review Panel
- Drafting internal review reports
- Deputising for the SIRO when necessary

2.2 Senior Information Risk Owner (SIRO)

Responsible for:

- Overseeing the procedure and approving it
- Chairing the Review Panel¹
- Approval of Review Panel recommendations
- Reporting to the RWM Managing Director as appropriate.

¹ This can be delegated to another Director if the SIRO is absent or was closely involved in the request response which resulted in the complaint under review.

2.3 Managing Director

- Appoints the Review Panel.

2.4 Review Panel

- Appointed by the RWM Managing Director to assist with internal reviews on an ad-hoc basis.
- Apart from the SIRO and FOI Manager, must not have been involved in the original decision making or have contributed to the request response which resulted in the complaint under review.
- Should provide an objective review, based on evidence, of the original decision made.

2.5 RWM Employees

- Must cooperate with the Review Panel and provide evidence as and when required.

3 Definitions

The table below defines certain terms used in this procedure.

Term	Definition
Data Protection Act	Data Protection Act 1998 UK law on the processing of data on identifiable living people. It is the main piece of legislation that governs the protection of personal data in the UK.
EIR	Environmental Information Regulations The Environmental Information Regulations 2004 (EIR) provide public access to environmental information held by public authorities. The Regulations do this in two ways: <ul style="list-style-type: none"> • public authorities must make environmental information available proactively • members of the public are entitled to request environmental information from public authorities (See Annex 2 for EIR exemptions)
FOI	Freedom of Information The Freedom of Information Act 2000 (FOI) is an Act to make provision for the disclosure of information held by public authorities or by persons providing services for them. The Act grants a general right of access to information held by public authorities within certain parameters and allowing for a series of exemptions to be applied where appropriate, as set out in the Act (see Annex 1)
Information Commissioner's Office	The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. It covers various legislation including the FOI Act, EIR and Data Protection Act.
Livelink	The RWM Electronic Document and Records Management System
Qualified Person	The individual designated by government to approve the use of the Section 36 exemption of the Freedom of Information Act (see Annex 1)

Term	Definition
Redaction	The preparation for publication of a document, involving the editing or removal of certain information

4 References


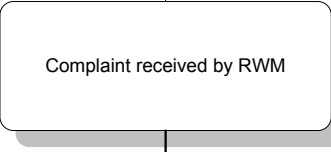
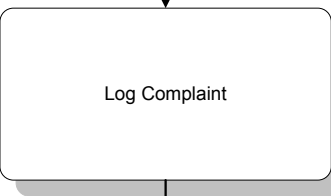
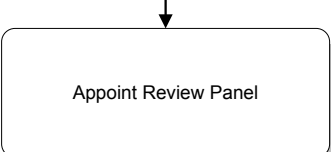
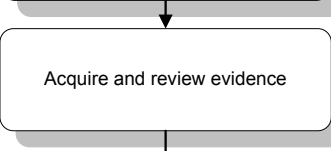
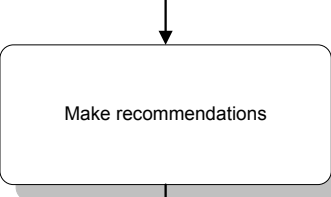
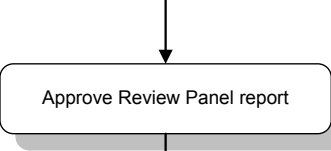
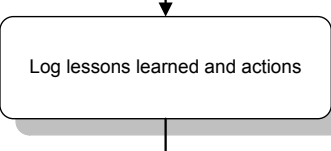
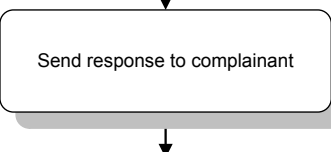

The following documents are referenced in the procedure.

DPA	Data Protection Act 1998
DP Limit and Fees	Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004 no.3244)
EIR	Environmental Information Regulations 2004
FOI Act	Freedom of Information Act 2000
LL: 24052988	Information Commissioner's Office s.36 form
LL: 21605017	Master Tracking Sheet
RWPR04	Organisational Learning and Improvement
RWPR04-G01	Guidance on Conducting Lessons Learned Reviews
RWPR04-G02	Guidance on Completing a Lessons Learnt Log
RWPR57	Complaints Handling Procedure
RWPR58	Non-conformance and Corrective Action Procedure
RWPR72	Processing Requests for Information

5 Procedure

Internal reviews should be scheduled to take no more than 20 working days. However, if extra time is required up to 40 working days is the legal maximum allowed. Applicants should be informed of the expected completion date and of any revisions to the scheduled timescales.

The Figure below outlines the procedure and the following sections outline what is involved in each step.

Activities and Process	Who	Reference	Additional Notes
			
			Staff pass complaint to FOI Manager FOI Manager notifies SIRO
	FOI Manager		FOI Manager: <ul style="list-style-type: none"> • Logs complaint on 21605017 • Creates folder for complaint • Responds to complainant
	Managing Director		Members must not have been involved in the original decision or have contributed to the request
	Review Panel		Can include talking to staff and third parties involved in the original decision and/or response
	Review Panel	RWPR04 and RWPR04-G01	Should include identifying lessons learned and actions to embed lessons Consider if procedures need improving
	SIRO	RWPR58	If the complaint involves a non-compliance follow RWPR58
	FOI Manager	RWPR04 and RWPR04-G02	
	FOI Manager		
			

5.1 Complaint Received

A complaint about RWM's response to an information request may be received: by letter, email or by telephone.

The person receiving the complaint should forward it to the FOI Manager.

The FOI Manager informs the SIRO that a complaint has been received.

If a complaint is received from the Information Commissioner's Office the SIRO must ensure the RWM Managing Director is informed immediately.

5.2 Log Complaint

The FOI Manager:

- Logs the complaint in the 'Complaints' tab of the *Master Tracking Sheet* (LL: 21605017)
- Creates a sub-folder in the '*Information Request Complaints*' folder to hold all the information associated with the complaint:
<http://ndahqewc01/livelink/lisapi.dll?func=ll&objId=23194681&objAction=browse&viewType=1>
- The sub-folder should contain:
 - The original complaint.
 - The Review Panel report (using the template in Appendix 1)
 - Any material used during the review to inform the Review Panel's decision
 - The response to the complainant including any information sent out as a result of the review.
- Sends an acknowledgment to the complainant providing an expected completion date.

5.3 Appoint Review Panel

The RWM Managing Director:

- Appoints the Review Panel members to assist in the review in addition to the SIRO and FOI Manager. None of the Review Panel, apart from the SIRO and FOI Manager, should have been involved in the decision regarding the original request. If the SIRO was closely involved in the original decision then another Director should be appointed to chair the Panel.

5.4 Acquire and Review Evidence

The FOI Manager:

- Gathers evidence pertinent to the complaint (carries out/requests additional searches as required).
- Keeps notes of Review Panel meetings.

The Senior Information Risk Owner:

- Chairs the Review Panel.

5.5 Make Recommendations

The Review Panel should consider the following information sources as part of their discussions (the table below can be used as a checklist):

Piece of information	Reviewed
The original request for information	
A copy of the Master Tracking Sheet (LL: 21605017) detailing correspondence with the applicant.	
The complaint.	
A copy of all the material from the original search carried out to find the information requested and details of the approach used in the search.	
A copy of the refusal notice sent to the applicant.	
A copy of any information sent to the complainant.	
A copy of any relevant advice for example legal advice received, or advice from the Information Commissioner's Office which has been taken into account.	
Where the refusal was based on a calculation that the cost of meeting the request would be above the appropriate limit, a copy of the supporting calculations.	
A copy of any relevant case decisions - these might be cases which have been to the Commissioner or Tribunal decisions.	
A copy of any report or material which was compiled and used at the time of the original decision. If it is not already obvious from the papers, the name and contact details of the official who made the original decision.	
Interviews with the staff member, or members, who dealt with the original application in order to build a full picture as to how decisions were made	
Third parties involved in the original decision should be informed of the review and allowed to comment on any review decision before further information is released.	

The Review Panel should

- Make a recommendation about whether to uphold or overrule the original decision.
- Decide if the incident is a non-compliance in which case procedure RWPR58 (Non-conformance and Corrective Action) should be followed.
- Consider what lessons can be learned from the complaint, see RWPR04-G01 for guidance on identifying lessons learned.
- Identify actions that can embed the lessons learned including actions that could:
 - Address the impacts of the event
 - Prevent the recurrence of a similar event
 - Encourage good practices to be repeated
 - Mitigate the effect should a similar event occur again,
 - Disseminate and embed lessons learned from the event across RWM
 - Improve the procedures
 - Embed the procedures across RWM
 - Improve awareness across RWM.

The FOI Manager:

- Writes up the report of the Review Panel findings (using the template in Appendix 1).

5.6 Approve the Review Panel Report

The Senior Information Risk Owner:

- Approves the Review Panel's report and decision about releasing the information.

5.7 Log Lessons Learned and Actions

The FOI Manager:

- Logs lessons learned on the Programme Portal Lessons Learnt Log in accordance with RWPR04, see RWPR04-G02 for guidance on logging lessons learned:
(<http://rwmportals/ProgrammePortal/Discipline%20Page%20Library/Lessons%20Learnt.aspx>)
- Logs actions on the Programme Portal Action Log in accordance with RWPR04.
(<http://rwmportals/ProgrammePortal/Discipline%20Page%20Library/Action%20Management.aspx>)

5.8 Send Response to Complainant

- Where the original decision is upheld, and the Review Panel finds in favour of RWM, the FOI Manager makes the complainant aware of their further rights of appeal to the Information Commissioner's Office.
- If the Review Panel decides to release information, the FOI Manager provides it to the complainant in a timely manner outlining why the original decision has been overruled.
- The response will be saved in the complaint sub-folder in the '*Information Request Complaints*' folder.
- Update the *Master Tracking Sheet* (LL: 21605017).

6 Documentation and Records

List of documentation and records that it is expected that the procedure will generate.

Document/Record	Responsible	Retention Period
Entry on Master Tracking Sheet (LL: 21605017)	FOI Manager	30 years
Files associated with the complaint stored in a Complaints sub-folder	FOI Manager	30 years
Internal Review of Information Request Report	FOI Manager	30 years
Lessons Learned Log	FOI Manager	30 years
Action Log	FOI Manager	30 years

7 Appendix 1 – Internal Review of Information Request Report

Complaint Number	Complaint Date	FOI/EIR Request Number	FOI/EIR Request Date	Report date
SIRO				
Panel Members:				
Background (include timeline of request and information provided etc.)				
Internal Review (Regime Applied – FOIA, EIR, Exemptions applied, Public Interest Test if applicable)				
Findings (Include information considered, advice received, 3 rd party consultation)				
Recommendation (Does the Review Panel uphold the original decision or not and if so why? Is the Review Panel releasing further information and if so why?)				
Lessons learned from the complaint (Log on the Programme Portal Lessons Learnt Log)				
Actions to embed the lessons learned (Log on the Programme Portal Actions Log)				