

Internal Review procedure for Environmental Information Regulations (EIR) and Freedom of Information (FOI) requests

The Freedom of Information Act and the Environmental Information Regulations provide you with the right of access to information held by Herefordshire Council. The council will make every effort to ensure that requests are answered promptly and professionally. However, if you are not satisfied, you have the right to request a review into the response that you have received regarding your request for information or to complain about our handling of your request.

There is a legal requirement under the EIR for public authorities to have an internal review procedure in place. The Information Commissioner's Office recommends that it is good practice for authorities to also have a review process for FOI requests, and consequently Herefordshire Council has adopted the same procedure for dealing with reviews into, or complaints about, requests dealt with under the FOI Act.

In this procedure 'complaint' refers to an expression of dissatisfaction with Herefordshire Council's compliance with the above legislation or a request for an internal review of the decision to withhold information in response to a request to access recorded information held by the council.

What can you request a review about?

<p>Complain about the way we handled your request -</p>	<p>Our failure to respond within 20 working days or to explain why longer than 20 working days was required.</p> <p>Our failure to provide proper advice and assistance</p> <p>Our failure to provide information in the requested format</p> <p>Our failure to properly explain any reasons for refusing the request</p> <p>If you disagree with our interpretation of your request</p>
<p>Request an internal review about a decision to -</p>	<p>Refuse access to information</p> <p>Withhold some or all of the information requested</p>

What can't you request a review about?

<p>Not liking the answer you have received – for example, a reports shows that some repairs have been undertaken, but you don't think the work has been completed properly</p>	<p>If you are unhappy with the implications of the information provided to you, we will put you in direct contact with the department concerned.</p>
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How do I request a review or complain about your handling of my request?

You must put your request for an internal review or complaint about our handling of your request in writing. Please send this to:

Information Access Team
Herefordshire Council
Plough Lane
PO Box 4
Hereford
HR4 0XH

Email: accesstoinformation@herefordshire.gov.uk

Your request should be made within 40 working days after receipt of our response. Unless there are extenuating circumstances, requests made more than 40 days after the response will not be considered.

Please clearly explain the reasons why you disagree with our response or are dissatisfied with our handling of your request. You may provide supporting evidence if applicable, and any information provided will be used to help assess your request.

What can I expect?

- Your request for a review of our response, or the handling of it, will be considered free of charge
- It will be acknowledged promptly and within 5 working days of receipt
- You will be informed of the target date for a response
- Requests for reviews of responses to, or the handling of, EIR requests will be dealt with as soon as possible, and in any event, within 40 working days of receipt, in accordance with the Information Commissioner's guidance
- Requests for reviews of responses to, or the handling of, FOI requests will be dealt with within 20 working days of receipt
- In exceptional circumstances (for example, when it is necessary to reconsider the public interest) it may be necessary to extend the deadline for response by a further 20 working days. If that is the case, you will be informed and given an explanation for the delay, and a new deadline will be confirmed (which will not exceed a total of 40 working days).
- The review of responses to, or the handling of, requests will be dealt with in a fair and impartial manner. As such the review will be undertaken by a panel of officers who did not deal with your original request.
- The officers on the reviewing panel will be trained / have an understanding of FOI and EIR legislation, and will include a staff member more senior to the one who made the original decision.

- The reviewing panel will make a fresh decision based on all available evidence at the date of your request. As part of this process, the panel may need to consult with the responding officer and teams that provided the information originally.
- The reviewing panel will make a decision about the validity of the exemptions applied, and whether the council has complied with its statutory duties. The panel will let the requester know, in writing, the outcome of the review, giving a full explanation.

Possible Outcome	Action that will be taken
Information should be disclosed which was previously withheld	The information in question will be provided as soon as practicable and you will be informed how soon this will be
Procedures have not been properly followed by Herefordshire Council	<p>An apology will be provided.</p> <p>Appropriate steps will be taken to prevent similar errors occurring in future.</p> <p>Any recommendations to improve our internal processes to prevent a future occurrence will be made to the Information Access Team and / or to the team holding the information.</p>
The initial decision to withhold information is upheld, or otherwise in Herefordshire Council's favour	You will be informed of the decision and the reasons for this, and told about your right to apply to the Information Commissioner

- Please note that abuse of the review procedure, such as repeated requests for reviews following every request made, may be treated as vexatious under the council's unreasonable behaviour policy.

What can I do if I am not satisfied with the response?

If your request for a review of our response, or handling of this, is not resolved to your satisfaction, you have the right of appeal to the Information Commissioner for a decision.

The Information Commissioner's Office can be contacted as follows:

The Information Commissioner
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

Website: www.ico.org.uk

Email: casework@ico.org.uk

Telephone: 0303 123 1113 (local rate) or 01625 545 745 (if you prefer to use a national rate number)