

University of Wales, Newport	Title: Freedom of Information Complaints Procedure	
	Version: 1.2	Approved: ISP Date April 08
	Suitable for Release under FOI? YES	Next Review: July 2013

**University
of Wales,
Newport**

**Prifysgol
Cymru,
Casnewydd**

NAME OF DOCUMENT:	Freedom of Information Complaints Procedure
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PROCEDURE OWNERSHIP	University Registrar
DEPARTMENT RESPONSIBLE	University Registry – Compliance Team
PROCEDURE LEAD	Records and Information Manager
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1.0	April 2008	Records and Information Manager – Matt Cooper	
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FREEDOM OF INFORMATION COMPLAINTS PROCEDURE

1. Introduction

The Freedom of Information Act 2000 (FOI Act) provides anyone, anywhere in the world the right of access to information held by the University of Wales, Newport upon written request. There is a 20 working day statutory deadline in which to respond to such requests.

Where an applicant is not satisfied with the way their request was handled or the response given, the Code of Practice under Section 45 of the FOI Act states that the public authority should have a complaint procedure in place. This gives the opportunity to examine the original decision again and make any necessary changes prior to any examination of the case from the Information Commissioner

2. Aim of the Procedure

The aim of this procedure is to set out how the University of Wales, Newport will respond to written expressions of dissatisfaction with the way a request was handled, or with the response received, under the FOI Act or Environmental Information Regulations (EIR's).

It will provide guidance to staff on:

- What to do when they receive a written expression of dissatisfaction about a response received from the University under the FOI Act or EIR's.
- What is expected of them when assistance is required by the University Registrar to complete the complaint
- Ensuring that complaints are handled in line with the Code of Practice under Section 45 of the FOI Act

It will provide guidance to the applicant on:

- the service they can expect to receive when making a complaint under the FOI Act or Environmental Information Regulations
- How the University will respond where a change to the original decision is decided upon.

3. Scope of the Procedure

This procedure relates to all requests dealt with formally under the Freedom of Information Act and Environmental Information Regulations, where the applicant has expressed written dissatisfaction with the outcome of a request.

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4. Specific Guidance

4.1 Non written expressions of dissatisfaction

4.1.1 If staff are contacted via the telephone and a verbal expression of dissatisfaction is communicated in relation to a response received under the FOI Act or EIR's, the applicant should be directed to the Records and Information Manager.

4.1.2 Where the Records and Information Manager receives an oral expression of dissatisfaction and this dissatisfaction cannot be addressed through informal means, the applicant will be required to frame their complaint in writing with the necessary assistance from the Information and Records Manager. This will become an FOI Complaint.

4.2 Written Expressions of Dissatisfaction

4.2.1 All written complaints under the FOI Act are to be directed in the first instance to the Records and Information Manager.

4.2.2 An acknowledgement communication will normally be sent within 3 working days following the receipt of an FOI complaint. This will contain the date the complaint was received, the unique reference number of the request, a summary of the reasons why the complaint has been made and the date by which the applicant can expect to receive a response.

4.3 Conduct of complaint reviews

4.3.1 Investigating FOI complaints will be the responsibility of the University Registrar and any review will be conducted in line with the Code of Practice under Section 45 of the Freedom of Information Act.

4.3.2 Reviews will be completed within 20 working days. If it is likely that more time is required, the applicant will be informed and provided with a revised time-scale. This will not exceed another 20 working days.

4.3.3 The University Registrar may call upon any member of staff to provide comment or evidence relating to the original request for information in order to assist in the decision making process.

4.3.4 The University Registrar may also establish a FOI Complaints Panel where there are particularly complicated issues that need to be resolved.

4.3.5 The University Registrar may contact the requestor should clarification be required regarding any aspect of the way the original request was handled.

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4.4 Completion of complaint review

4.4.1 Upon completion of a review the University Registrar will outline to the applicant the findings. A statement will be made as to whether the review finds that the applicant's complaint is upheld, partly upheld or not upheld.

4.4.2 Where it is found that further information should be disclosed, the Records and Information Manager will be responsible for doing so at the earliest opportunity as directed by the University Registrar. The requestor will be informed of the time-scale involved in any further release by the Records and Information Manager if appropriate.

4.4.3 Where it is found that the original decision is deemed to be the correct one the requestor will be informed of this judgement.

4.4.4 In all instances, the requestor will be provided with the contact details of the Information Commissioners Office on completion of the review.

4.5 Publication

4.5.1 The target time for the completion of FOI Complaint reviews will be made available via the University Freedom of Information website as will performance against those target times and the number of reviews upheld, partly upheld or not upheld.

5. Responsibilities

All Staff – Staff employed by the University of Wales, Newport are responsible for recognising potential FOI complaints and handling them in accordance with this procedure. Staff are also responsible for assisting the University Registrar in locating information within their remit, in response to a Request for Review.

University Registrar – Responsible for overseeing complaint reviews under the FOI Act and reporting findings.

Records and Information Manager – Will provide any necessary support that the University Registrar requires in undertaking a complaint review. Will provide all necessary material to the University Registrar.

6. Retention Periods

The University of Wales, Newport will retain requestor details for a period of two years plus the current calendar year.

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7. Definitions

FOIA – Freedom of Information Act 2000

DPA – Data Protection Act 1998

EIR – Environmental Information Regulations – Similar in scope to the FOI Act but with some differences.

Section 45 Code of Practice – Guidance issued under the Act by the Lord Chancellor (now Department of Constitutional Affairs) on how to handle FOI Requests and any subsequent complaints appropriately.

Section 46 Code of Practice - Guidance issued under the Act by the Lord Chancellor (now Department of Constitutional Affairs) on how organisations should approach the management of their records in order to improve the chances of compliance with the FOI Act

Right of Access Request/FOI Request – A written request requesting access to information that we hold. Must contain a name and correspondence address.

Publication Scheme – A statutory framework for the proactive publication of information according to agreed “classes”. Available via the internet.

Exemptions – Sections in the Act that remove the right to access or be informed whether information is held.

Prejudice/Harm Test – In order for some exemptions to apply we must demonstrate that a detrimental effect would result from release of the information.

Public Interest Test – A balancing test based on whether the greater public benefit would result from release or non release. The public interest test is not to be confused with what interests the public.

8. Further Guidance

The Code of Practice under Section 45 of the Act outlines good practice as to how FOI Complaints should be handled. This can be found at:

<http://www.justice.gov.uk/guidance/freedom-and-rights/freedom-of-information/code-of-practice.htm>