

**Access to  
Information –  
Review and DPA  
Complaints  
Procedure**



## **Access to Information - Review and DPA Complaints Procedure**

The Freedom of Information Act 2000 (**FoIA**), the Data Protection Act 1998 (**DPA**) and the Environmental Information Regulations 2004 (**EIRs**) provide a right of access to information held by the North Hertfordshire District Council. You have the right to request a Review of the response you have received regarding your request for information if you are unhappy with the way it has been handled or the information provided.

### **How to request a Review**

#### **1. Requests under the Freedom of Information at 2000 (FoIA) and the Environmental Information Regulations 2004 (EIRs)**

If you would like the Council to carry out a formal Review you must put your request in writing within 60 working days of receiving the Council's response and quote the FOI reference number you received with the original response.

Your request should be addressed to:-

The Information and Asset Team  
Information, Communication and Technology  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
Herts  
SG6 3JF  
Email to: [foi2@north-herts.gov.uk](mailto:foi2@north-herts.gov.uk)

Any information provided will be used to help assess your Review. A full re-evaluation of the response/decision you have received will be undertaken, taking into account the matters you have raised.

#### **Reasons for requesting a review under FoIA and EIR:**

You may complain about the way the request was handled and/or the response received. This may include:-

- Failure to respond within 20 working days or explain why longer than 20 working days was required.
- Failure to provide proper advice and assistance.
- Failure to communicate information in the manner requested.
- The grounds for refusing the request or any failure to properly explain any reasons for refusing the request.
- Public interest considerations.

Reviews will be investigated by someone other than the officer responsible for the initial decision/response.

## **2. Requests under the Data Protection Act 1998 (DPA) (Subject Access Requests for your personal data) or complaints about a breach of the DPA.**

You may provide supporting evidence along with your complaint. Any information provided will be used to help assess your complaint. A full re-evaluation of the response/decision you have received will be undertaken, taking into account the matters you have raised.

Complaints should be made no later than 60 working days after receiving our response.

Complaints made more than 60 days after the response will not normally be considered. Any reasons offered for submitting a complaint outside this timescale will be considered when determining whether or not a late complaint will be investigated.

### **a) Complaints about requests for information such as Subject Access Requests**

If you are not satisfied with the response to a request for personal information, please write to the Information & Asset Team at the above address, and quote the DP reference number you received with the original response. You may wish to complain about:-

- Failure to respond within 40 calendar days.
- Any reasons given for refusing the request and/or withholding some or all of the information requested.

This type of complaint will be investigated by a senior officer appointed by the Head of Service. This will not be the officer who made the original decision. A full review of the original response to your request will be undertaken.

### **b) Complaints about a breach of the Data Protection Act 1998 (DPA)**

You can also complain if you feel that a breach of the DPA has occurred, even if it is not related to a Subject Access Request, or does not relate to your own personal information.

Please write to:-

The Data Protection Controller  
North Hertfordshire District Council  
Gernon Road  
Letchworth Garden City  
Herts  
SG6 3JF  
[Service@north-herts.gov.uk](mailto:Service@north-herts.gov.uk)

**These rights are in addition to your statutory right to complain to the Information Commissioner** (see below and the section 'If you remain dissatisfied with the outcome of your complaint').

**Please note that the Information Commissioner will expect you to raise any concerns with NHDC first, to give us the opportunity to put things right before you complain to him.**

### 3. Dealing with your reviews and complaints for FoIA, EIR, DPA

Your request will:-

- Be considered free of charge.
- Be acknowledged promptly and usually within 3 working days of receipt.
- Include a target date for determining the complaint.

Where it is apparent that determination of the complaint will take longer than the target time (for example because of the complexity of the particular case). An explanation of the likely timescale will be provided.

- Provided within 20 working days unless there are exceptional circumstances to extend this.

The table below identifies a number of possible outcomes:-

<b>Review /Complaint</b>	<b>Possible Action</b>	<b>How we remedy complaints</b>
We did not supply the data requested	Information previously withheld, will be disclosed	<i>The information in question will be disclosed as soon as practicable and you will be informed of a delay if it is likely to take more than 20 working days.</i>
	Original decision upheld	<i>You will be informed of the decision and a more detailed explanation of why the information was withheld may be included</i>  <i>You will be told about your right to appeal to the Information Commissioner.</i>
Time limits/procedures have not been properly followed	An assessment of the handling of the enquiry will take place and where the procedures have failed you will be informed	<i>An apology will be provided.</i>

#### **If you remain dissatisfied with the outcome of your review or complaint:**

If you are not satisfied with the outcome, you may exercise your right to appeal to the Information Commissioner for a decision (FoIA/EIR) or for an assessment (DPA).

Complaints should be made in writing to the Information Commissioner whose address is:

The Information Commissioner

Wycliffe House

Wilmslow

Cheshire

SK9 5AF

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk) Website: [Information Commissioner's Office](http://www.ico.org.uk)