

Information Compliance Internal Review and Complaints Procedure

The Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations provide you with the right of access to information held by Gloucestershire County Council. You have the right to complain about the response you have received regarding your request for information as well as to complain about other breaches of the above legislations.

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

How to complain

You must put your request for internal review or complaint in writing to us, please address complaints to:

Information Management Service
Community and Adult Care Directorate
Gloucestershire County Council
Ground Floor, Block 3
Shire Hall, Westgate Street
Gloucester, GL1 2TG

Email: foi@gloucestershire.gov.uk

Phone: 01452 425071

You may provide supporting evidence along with your complaint. Any information provided will be used to help assess your complaint. Where appropriate a full re-evaluation of the case will be undertaken, taking into account the matters you have raised.

Complaints should be made no later than 40 working days after receipt of our response or becoming aware of the breach. Unless there are extenuating circumstances, complaints made more than 40 days after the response will not be considered. Complaints made outside this timescale, will be reviewed by the Corporate Information and Compliance Manager for a decision on whether or not the complaint will be investigated

What can you complain about?

Freedom of Information Act and Environmental Information Regulations Complaints:

1. Complain about the way the request was handled:-	Our failure to respond within 20 working days or explain why longer than 20 working days was required Our failure to provide proper advice and assistance Our failure to provide information in the requested format Our failure to properly explain any reasons for refusing the request
2. Request an internal review about:-	Our refusal to allow access to information Our decision to withhold some of the information requested

Publication Scheme Complaints:

If you have any complaint about the publication scheme, for example, you have requested information from it and have not received what you were expecting, please put your complaint in writing to the above address.

Data Protection Complaints:

1. Complain about the way the request was handled:-	Our failure to respond within 40 calendar days
2. Request an internal review about:-	Our refusal to allow access to information Our decision to withhold some of the information requested
3. If you feel that a breach of the Data Protection Act 1998 has occurred:-	for example, how your personal data has been used or shared

All complaints will be investigated a manager, with assistance from the Information Management Service.

What can you expect?

- Your complaint will be considered free of charge.
- Your complaint should be acknowledged promptly and within 3 days of receipt of the complaint.
- You should be informed of the 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), you should be informed and provided with an explanation of the reason for the delay.
- You should always be informed of the outcome of your complaint within 40 working days of receipt of the complaint. This is a maximum and the council aims to provide responses within 20 working days.
- If an appeal against the decision to withhold information is upheld you will be provided with a statement of:
 - The failure to comply
 - The action that will be taken in order to comply
 - The period within which that action is to be taken.

Possible Outcomes of Complaint	Possible Actions
Information should be disclosed which was previously withheld.	<i>The information in question will be disclosed as soon as practicable and you will be informed how soon this will be.</i>
Procedures have not been properly followed by Gloucestershire County Council staff.	<i>An apology will be provided. (Appropriate steps should be taken to prevent similar errors occurring in future).</i>
The initial decision to withhold information is upheld, or is otherwise in Gloucestershire County Council's favour.	<i>You will be informed of the decision and told about your right to apply to the Information Commissioner.</i>

What can you do if you are not satisfied with the response to your complaint?

If your complaint is not resolved to your complete satisfaction, you have the right of appeal to the Information Commissioner for a decision; please contact them with your complaint by writing to:

The Information Commissioner
Wycliffe House
Wilmslow
Cheshire, SK9 5AF

Email: mail@ico.gsi.gov.uk
Website: www.informationcommissioner.gov.uk
Tel: 0303 1231113 (or 01625 545745 if you would prefer not to call an '03' number, or +44 1625 545745 if calling from overseas)