

University of Sussex - Freedom of Information Act 2000 - Internal Review

The Information Commissioner's Office gives the following guidance:

Under the Act, there is no obligation for an authority to provide a complaints process [also known as *internal review*]. However, it is good practice (under the section 45 code of practice) and most public authorities choose to do so. The guidance is to:

- ensure the procedure is triggered when a requester expresses dissatisfaction with the outcome within 40 working days of receiving a response (in line with the ICO's own procedure);
- make sure it is a straightforward, single-stage process;
- make a fresh decision based on all the available evidence that is relevant to the date of the request, not just a review of the first decision;
- ensure the review is done by someone who did not deal with the request, where possible, and preferably by a more senior member of staff; and
- ensure the review takes no longer than 20 working days in most cases, or 40 in exceptional circumstances.

On the University's website we say:

The University aims to comply fully with its obligations under the Freedom of Information Act and to ensure that the service it provides for those wishing to gain access to information is simple, efficient and effective. If you feel the service you have received does not meet these aims or your expectations, please contact the Office of Governance and Secretariat. (foi@sussex.ac.uk). Complaints against and requests for reviews of the University's Freedom of Information decisions will be handled promptly. In line with current guidance from the Information Commissioner's Office, we aim to conclude all internal investigations and reviews within 20 working days following the date of receipt.

If you still feel your complaint has not been dealt with sufficiently, you can complain to the Information Commissioner's Office, the independent public body which oversees the Act. Full contact details for the Information Commissioner's Office are available on the ['Contact us' page of their website](#).

The University procedure for internal review is:

a) The Reviewer: the internal review of FOI responses where requested will be undertaken by the Academic Secretary, or a suitable nominee.

b) Procedure:

- 1) Governance Officer passes to the Reviewer the enquirer's dissatisfaction with the information disclosed, and request for review. The Reviewer informs the enquirer that the matter is now subject to review and s/he can expect a response within 20 working days.
- 2) The Reviewer notifies internal staff involved with the original request that a review has been requested and asks them to look again at the request (in some cases this will involve a specific aspect of the original request) and to provide a response within the required timeline.
- 3) The Reviewer considers original and second responses, and may iterate these with internal staff if any aspect is unclear. The staff providing responses remain responsible for their content. This stage may involve reconsideration of any applicable exemptions under the Act.
- 4) The Reviewer responds to the enquirer within 20 working day deadline if possible. If it becomes clear that the response cannot be provided within this timeline, the Reviewer will write to forewarn the enquirer, and to indicate when the response is likely to be issued.

Further review by direction from the ICO

A requester dissatisfied with the University's response may take their case to the ICO, who may in turn require the University to undertake further review of the decisions in the case, and to provide the ICO with related information. The University's response in such cases will be coordinated by the internal Reviewer (see above), and will consider any points and requests made by the ICO, and where necessary may repeat elements of steps (2) - (4) above.