

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

The Information Commissioner's Office (ICO) gives the following guidance with regard to instances when the requester is unhappy with the outcome of their Freedom of Information (FOI) request:

'Under the Act, there is no obligation for an authority to provide a complaints process. However, it is good practice (under the section 45 code of practice) and most public authorities choose to do so.

If you do have a complaints procedure, also known as an internal review, you should:

- *ensure the procedure is triggered when a requester expresses dissatisfaction with the outcome;*
- *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.'*

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 Information Management Team (foi@sussex.ac.uk). Complaints against and requests for reviews of the University's Freedom of Information decisions will be handled promptly. We adhere to the ICO guidance above, including aiming to conclude all internal investigations and reviews within 20 working days following the date of receipt of the complaint/request for review (within 40 working days in exceptional circumstances).

The University's Internal Review Process:

The University will undertake an internal review of a response to an FOI request provided the complaint/request for review is received within **40 working days** of the initial response being sent out by the University.

The Internal Reviewer (IR)

The internal review of FOI responses will be undertaken by the Head of Information Management and Compliance, or a suitably experienced and senior nominee.

The Internal Review Procedure

1. The Senior Information Officer (who is responsible for the day-to-day FOI process at the University) will pass the details of the enquirer's complaint / request for review and the formal response issued initially by the University to the IR. A formal acknowledgement will also be sent to the requester confirming that a review will take place and providing confirmation of the timescale for response.
2. The IR will liaise as required with any colleagues involved in providing information in relation to the original request that a review, advising them that a review is taking place, and asking for any additional information that may assist with the review or in understanding particular aspects of the initial response.

3. The IR will review and consider the original response alongside any additional information, revisiting any areas that may still be unclear with the Senior Information Officer and/or relevant colleagues. This stage may involve reconsideration of applicable exemptions under the Act.

4. The IR will respond directly to the requester within the timescale provided to confirm their decision; the decision letter will summarise the original request, the University's original response, the complaint, any considerations that have been taken into account or any additional information that has been gathered, and the IR's final assessment. If it becomes clear that the IR cannot provide their response within the specified timeline, they will contact that requester in writing ahead of this date to advise, and to provide an indication of when the response is likely to be issued.

5. Once the internal review process is complete, if the requester still feels that their complaint has not been dealt with sufficiently, they can complain to the ICO; further information about how to do this is provided on the ICO website here:

<https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/>

The ICO may in turn require the University to undertake further review of their decision(s) in the case, and to provide the ICO with related information about the request, original response, and/or review process, in order for them to make their decision. The University's response in such cases will be coordinated by the IR and the University will subsequently respond accordingly to any decisions and requests made by the ICO.