

## ST ALBANS CITY AND DISTRICT COUNCIL

### Procedure for handling Internal Reviews for the Freedom of Information Act 2000 and Environmental Information Regulations 2004

#### 1. Legal requirements in relation to internal reviews/appeals

- 1.1 When a person makes a request under the Freedom of Information Act 2000 (FOIA), or Environmental Information Regulations 2004 (EIR), they can ask for the decision to be reviewed.
- 1.2 There is no legal requirement under the FOIA for the Council to have a review procedure. However, section 45 of the Code of Practice does recommend that Councils have a review procedure.
- 1.3 The EIR do require a complaints procedure to be in place. In addition, they require requesters to be notified of their right to request a review of any refusal by the Council to release information.
- 1.4 The EIR specify a time frame after which it is not necessary to deal with any review requests that the Council may receive. The EIR state that an internal review should be requested within 40 working days of the initial response.
- 1.5 Although the FOIA does not require a complaints procedure, or specify a timeframe after which it is not necessary to deal with review requests, we intend to use the 40 working day period set out in the EIR.

#### 2. Internal review

- 2.1 Where an individual has made a request under the FOIA or the EIR, they can apply for a review of the decision (including a failure to respond) under the Internal Review Procedure.
- 2.2 The Council's procedure permits one internal review for any response under the FOIA or the EIR.
- 2.3 The requester's ability to seek an internal review allows them to ask us to check that we have considered the request in accordance with the FOIA/EIR. It does not allow any further questions to be asked under that request. We will consider if the initial response by the relevant officer complied with the FOIA/EIR, and if any exemption/exception was correctly applied.
- 2.4 Anyone wanting the Council to review our initial FOIA/EIR response must make their request for an internal review within **40 working days** of receiving the decision from the Council.
- 2.5 After this period the Council will only review the request if it considers that there are exceptional circumstances for the delay in requesting a review.

2.6 The internal review procedure is set out in all our initial response letters (FOIA or EIR).

2.7 The initial decision (or failure to respond) will be reviewed by the FOI Team, the Data Protection Officer or someone delegated to carry out the review by them. The reviewer will be someone who has not been involved in the initial response.

2.8 As a matter of good practice, this review will be carried out within 20 working days whenever possible. When this is not possible for EIR internal reviews, the review will be carried out within 40 working days. When this is not possible for OI internal reviews, the requester will be provided with a timeframe in which they will receive the response.

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Policy created by	Monitoring Officer, Data Protection Officer (Solicitor) & Technical Lead - Complaints and Information Assurance
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