



# Kempsey Parish Council

## COMPLAINTS RESULTING FROM REQUESTS FOR INFORMATION

### Internal Review Policy

#### Document revisions table

Revision	Description	Adopted
1.0	Internal Review Policy	Draft

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## 1. Introduction

Although not a legal requirement under the Freedom of Information Act 2000 (FOIA), the Section 45 Code of Practice advises the Council to have a complaints procedure. Anyone who has submitted a request for information to Kempsey Parish Council (the Council) whether that is a request under the Freedom of Information Act, the Environmental Information Regulations or the Data Protection Act, may request an internal review if dissatisfied with the Council's decision or the way their request has been handled. When communicating a decision about an information request, the Council will notify the requester of this policy.

## 2. Grounds for Internal Review

A requester can request an internal review if:

dissatisfied with

- The handling of a request for information
- The decision whether to release none or part of the information requested
- Compliance with the Schedule of Charges available at the Council's website [www.kempseyhub.co.uk](http://www.kempseyhub.co.uk)

A requester can request an internal review if the Council has failed:

- To provide the information requested
  - To confirm whether the requested information is held by the Council
  - To respond within permitted time limits (normally 20 working days)
  - To advise the requester of options in relation to the information request
  - To give information in the requested form
  - To properly explain the reasons for refusal
  - To correctly apply exemptions or exceptions
- or the Council has overcharged for the processing of the request

## 3. Requesting an Internal Review

Requests for internal reviews should be sent to the Clerk at the address below.

## 4. Internal Review Process

All requests for internal reviews will be acknowledged, stating the timescale for response.

The review will be conducted by the Internal Review Panel designated by the Parish Council for this purpose.

The Panel may seek advice from other sources regarding the issues raised by the complainant

## **5. Timescales**

The Council will aim to complete an internal review within 20 working days from receipt of the request.

If not possible, the requester will be informed within 20 working days and given a revised completion date.

Extensions beyond 20 working days will only occur in exceptional circumstances.

## **6. Responsibilities**

The Internal Review Panel will be responsible for:

- Carrying out the review impartially and thoroughly
- Notifying the requester of any delays and revised dates.
- Keeping proper records of the review process
- Communicating the outcome to all relevant parties

## **7. Outcomes**

After the review, the Internal Review Panel will report findings and recommendations. The outcome will be communicated to the requester and, where appropriate, the Information Commissioner's Office.

## **8. Recordkeeping**

Records of all internal reviews, including dates, decisions, and outcomes, will be maintained for six years from case closure.

## Appendix 1: Checklist for internal review

In order to carry out an internal review the following information should be collated and reviewed:

A copy of the original information request together with the complaint or request for internal review.	
Any other relevant correspondence with the requester	
Access to all the material from the original search carried out to find the information requested and details of the approach used in the search.	
A copy of the disclosure made, including an explanation for any withheld information	
A copy of any relevant advice given, e.g. legal advice regarding exemptions, public interest tests or advice from the Information Commissioner's Office which has been taken into account when making a decision	
Details of any concerns raised by employees regarding disclosure of the requested information	
Where the refusal was based on a calculation that the cost of meeting the request would be above the appropriate limit, a copy of the calculations carried out.	
Any other relevant information or documentation	

## Appendix 2: internal review report template

FOI Request Reference	FOI Request Date
Complaint Date	Report Date
Review Panel	
Background – include timeline	
Internal review – exemptions applied, Public Interest Test if applicable	
Findings – Include consideration of advice received from other parties	
Conclusion – Does the panel uphold the original decision or not and if so why. Is the panel recommending the release of further documents and if so, why?	