FREEDOM OF INFORMATION ACT (FOIA) COMPLAINTS PROCEDURE

1. Introduction

The Freedom of Information Act 2000 (FOI Act) provides anyone, anywhere in the world the right of access to information held by Cardiff University upon written request. There is a 20 working day statutory deadline in which to respond to such requests. Where an applicant is not satisfied with the way their request was handled, the Code of Practice, under Section 45 of the FOI Act, states that the public authority should have a complaints procedure in place. This gives the public authority an opportunity to examine the original decision again and make any necessary changes prior to any examination of the case by the Information Commissioner’s Office (ICO).

2. Aim of the Procedure

The aim of this procedure is to set out how Cardiff University will respond to written expressions of dissatisfaction with the way a request was handled under the Freedom of Information Act. It will provide guidance to staff on:

- What to do when they receive a written expression of dissatisfaction about a response received from the University under the FOI Act.
- What is expected when assistance is required in investigating the complaint.
- Ensuring that complaints are handled in line with the Code of Practice under Section 45 of the FOI Act.

It will provide guidance to the complainants on:

- The service they can expect to receive when making a complaint under the FOI Act;
- How the University will respond where a change to the original decision is decided upon.

3. Scope of the Procedure

This procedure relates to all requests dealt with formally under the Freedom of Information Act where the applicant has expressed written dissatisfaction with the outcome of a request.
4. Specific Guidance

4.1 Non written expressions of dissatisfaction

4.1.1 If a member of staff is contacted by telephone and a verbal expression of dissatisfaction is communicated in relation to the handling of a request under the FOI Act, the applicant should be directed to Assurance Service on the following contact details:

Email: inforequest@cardiff.ac.uk

4.1.2 Where the Assurance Service receive an oral expression of dissatisfaction with the handling of a request and this dissatisfaction cannot be addressed through informal means, the applicant will be required to frame their complaint in writing with the necessary assistance from the Assurance Service. Once received this will become a FOI Complaint and dealt with according to this procedure.

4.2 Written expressions of dissatisfaction

4.2.1 All written expressions of dissatisfaction in relation to the handling of a request received under the FOI Act are to be directed in the first instance to the Assurance Service as soon as possible following receipt and as per the contact details at 4.1.1.

4.2.2 Complainants will be asked to quote the unique reference number of the FOI request and state the reason why they believe the request has not been handled correctly.

4.2.3 An acknowledgement will normally be sent within 3 working days following the receipt of a FOI complaint. This will contain the date the complaint was received, the unique reference number of the request and the date by which the applicant can expect to receive a response.

4.3 Conduct of complaint reviews

4.3.1 In the first instance the complaint will be forwarded to the Head of Assurance Services who may delegate authority for the conduct of the review. Where it may be inappropriate for the Head of Assurance Services to undertake this role due to previous significant involvement in the original response or due to a potential conflict of interest, responsibility may be transferred to another member of staff who is senior to the staff member who approved the original response.

4.3.2 The complaints procedure provides a fair and thorough review of handling issues and of decisions taken pursuant to the Act including decision taken about the public interest in respect of exempt information. It will enable a fresh decision to be taken and a reconsideration of factors relevant to the issue.

4.3.3 Complaint reviews will normally be completed within 20 working days starting the day after receipt. If it is likely that more time will be required to consider the complaint, the applicant will be informed of this and the reasons as to why and
provided with a revised time-scale. This extra time will normally not exceed another 20 working days.

4.3.4 Members of staff or any relevant third party organisations may be called upon to provide comment or evidence relating to the response to the original request in order to assist in the decision making process.

4.3.5 During the complaint review it may be necessary to contact the applicant should clarification be required regarding any aspect of the way the original request was handled or to establish key facts.

4.4 Completion of Complaint Review

4.4.1 Upon completion of a review the findings will be outlined to the applicant. A statement will be made as to whether the review finds that the applicant’s complaint is upheld, partly upheld or not upheld.

4.4.2 Where it is found that further information should be disclosed, this will be provided together with notification of the outcome of the complaint or, if this is not immediately possible, will be provided at a later date by the Assurance Services who will inform the applicant of the estimated timescale to provide the further information.

4.4.3 In all instances, on final completion of the review the applicant will be provided with full contact details of the Information Commissioners Office.

4.5 Publication

4.5.1 This procedure shall be made available via the University website.

5. Responsibilities

All Staff – All staff employed by Cardiff University have a responsibility for recognising potential FOI complaints and handling them in accordance with this procedure. Staff may also be responsible for assisting in locating, providing and commenting on information available within their remit, in response to an investigation under this procedure.

Assurance Service – The Senior Assurance Adviser and the Assurance Adviser will provide any necessary support required in undertaking a complaint review including documentary evidence and advice pertaining to the original request.

6. Retention Periods

Information pertaining to complaints will be held in line with periods set out in the University records retention schedule.

7. Further Guidance

The Code of Practice under Section 45 of the Act outlines good practice as to how FOI Complaints should be handled. This can be found at Pg 20: