



Prifysgol Cymru  
University of Wales

# Freedom of Information and Environmental Information Complaints Procedure

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## **1. Introduction**

The Freedom of Information Act 2000 (FOI Act) provides individuals and organisations with the right to make written request for access to information held by the University of Wales (the University).- There is a 20 working day statutory deadline in which the University must respond to such requests. Where an applicant is not satisfied with the way their request was handled or the response given, the Code of Practice under Section 45 of the FOI Act states that the public authority should have a complaint procedure in place. This gives the University the opportunity to examine the original decision, and make any appropriate or necessary changes, prior to an applicant having the right to present a request for examination of the case by the Information Commissioner.

## **2. Aim**

The aim of this procedure is to set out how the University will respond to written expressions of dissatisfaction with the way a request was handled, or with the response received, under the FOI Act or Environmental Information Regulations (EIR's). 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 or EIR's.
- What is expected of them when assistance is required by the Compliance and Secretariat Manager to investigate a complaint, so as to ensure that complaints are handled in line with the Code of Practice under Section 45 of the FOI Act

It will provide guidance to the applicant on:

- the service they can expect to receive when making a complaint under the FOI Act or EIR's.
- how the University will respond where a change to the original decision is considered appropriate or necessary.

## **3. Scope of the Procedure**

This procedure relates to all requests under the FOIA and EIR's where the applicant has expressed written dissatisfaction with the outcome of a request.

## **4. Specific Guidance**

### **4.1 Non written expressions of dissatisfaction**

If staff are contacted with a verbal expression of dissatisfaction (via the telephone) or receives any communication in relation to a response received under the FOIA or EIR's, the applicant should be directed to the Compliance and Secretariat Manager.

Where the Compliance and Secretariat Manager receives a verbal expression of dissatisfaction and this dissatisfaction cannot be addressed through informal means, the applicant will be required to frame their complaint in writing to the Vice-Chancellor. This will become an FOI or EIR's Complaint under this procedure.

### **4.2 Written Expressions of Dissatisfaction**

All written complaints under the FOIA or EIR's are to be directed in the first instance to the Compliance and Secretariat Manager.

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

#### **4.3 Conduct of complaint reviews**

Investigation of FOI or EIR's complaints will be the responsibility of the Compliance and Secretariat Manager and any review will be conducted in line with the Code of Practice under Section 45 of the FOIA.

Reviews will be completed within 20 working days. If it is likely that more time is required, the applicant will be informed and provided with a revised time-scale. This will not exceed a further 20 working days.

The Vice-Chancellor / Deputy Vice-Chancellor may:

- call upon any member of staff to provide comment or evidence relating to the original request for information in order to assist in the decision making process.
- establish a FOI or EIR's Complaints Panel where there are particularly complicated issues that need to be resolved.
- contact the requestor should clarification be required regarding any aspect of the way the original request was handled.

#### **4.4 Completion of complaint review**

Upon completion of a review the Vice-Chancellor / Deputy Vice-Chancellor will outline to the applicant the findings. A statement will be made as to whether the review finds that the applicant's complaint is upheld, partly upheld or not upheld.

Where it is found that further information should be disclosed, the Deputy Vice-Chancellor will be responsible for doing so at the earliest opportunity. The requestor will be informed of the time-scale involved in any further release by the Compliance and Secretariat Manager if appropriate.

Where it is found that the original decision is deemed to be the correct one the requestor will be informed of this judgement, with a clear statement of reasons and/or confirmation of any reasons previously stated.

In all instances, on completion of the review the requestor will be provided with the contact details of the Information Commissioners Office together with details of the right to appeal..

#### **4.5 Publication**

The target time for the completion of FOI Complaint reviews will be made available via the University Freedom of Information website, as will performance against those target times, and the number of reviews upheld, partly upheld or not upheld.

### **5. Responsibilities**

All Staff employed by the University of Wales, are responsible for recognising potential FOI and EIR's complaints and handling them in accordance with this procedure. Staff are also responsible for assisting the Compliance and Secretariat Manager in locating information within their remit, in response to a Request for Review.

The Deputy Vice-Chancellor is responsible for overseeing complaint reviews under this Procedure and for reporting preliminary findings to the Vice-Chancellor.

The Compliance and Secretariat Manager will provide any necessary support that the Deputy Vice-Chancellor or the Vice-Chancellor requires in undertaking a complaint review.

## **6. Retention Periods**

The University will retain a requestor's details for a period of two years beyond the end of the calendar year in which a request is received.

## **7 Definitions**

**FOIA** – Freedom of Information Act 2000

**DPA** – Data Protection Act 1998

**EIR** – Environmental Information Regulations – Most similar in scope to the FOIA but with some differences.

**Section 45 Code of Practice** – Guidance issued under the Act by the Lord Chancellor (now Department of Constitutional Affairs) on how to handle FOI Requests and any subsequent complaints appropriately.

**Section 46 Code of Practice** - Guidance issued under the Act by the Lord Chancellor (now Department of Constitutional Affairs) on how organisations should approach the management of their records in order to improve the chances of compliance with the FOIA

**Right of Access Request/FOI Request** – A written request requesting access to information that we hold. The request must contain a name and correspondence address.

**Publication Scheme** – A statutory framework for the proactive publication of information according to agreed “classes”. This is available via the University of Wales internet.

**Exemptions** – Sections in the Act that remove the right to access or be informed whether information is held.

**Prejudice/Harm Test** – In order for some exemptions to apply we must demonstrate that a detrimental effect would result from release of the information.

**Public Interest Test** – A balancing test based on whether the greater public benefit would result from release or non-release. The public interest test is not to be confused with what interests the public.

## **8 Compliance with the Welsh Language Scheme**

This Policy aims to comply with the organisation's Welsh Language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the Language Scheme.

## **9. Further Guidance**

The Lord Chancellor 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:

<http://www.justice.gov.uk/guidance/freedom-of-information.htm>

Queries or requests for guidance on any aspect of this policy can be obtained from the University's Compliance and Secretariat Manager: [compliance@wales.ac.uk](mailto:compliance@wales.ac.uk)