

Greater London Authority Information Access and Re-use Requests Complaints and Internal Review Procedure

Scope of Procedure

This procedure will be used in relation to complaints made to the Greater London Authority (GLA) regarding requests for information made under:

- the **Freedom of Information Act 2000** (FOIA);
- the **Environmental Information Regulations 2004** (EIR); and
- the **INSPIRE Regulations 2009**.

This procedure will also be adopted for use in relation to complaints regarding requests to re-use information made under:

- the **Re-use of Public Sector Information Regulations 2005** (“the Re-use Regulations”).

Any written expression of dissatisfaction associated with a GLA response to a request handled under the above legislation will be considered a complaint and request for an internal review. It will be dealt with in accordance with this procedure unless the complainant has made it clear that they are not seeking an internal review.

General complaints, not relating to a request for information (or re-use of information) dealt with under one of the above pieces of legislation, are handled through another process. Please refer to the ‘Making a complaint’ page on the GLA website for further information:
<http://www.london.gov.uk/contact-us/making-complaint>.

Timescales

For complainants:

- FOIA complaints must be sent to the GLA within two months of receiving the GLA’s final response.
- EIR complaints must reach the GLA within 40 working days of receiving the GLA’s final response.

For the GLA:

- In all cases, complaints will be acknowledged and the complainant informed of the GLA’s target date for providing a response, within five working days.
- Under the EIR, the GLA must carry out an internal review and provide a final response as soon as possible and within 40 working days of receipt of a complaint.
- Under the FOIA, INSPIRE Regulations and Re-use Regulations, the GLA must respond with its decision about a complaint within “a reasonable time”. In line with best practice,

the GLA defines this as 20 working days following the date the complaint was received, or 40 working days where there are exceptional circumstances (such as where a complaint is particularly complex or requires a large amount of supporting information to be gathered).

Complainants should be kept informed of the progress being made in handling their complaint where there is a delay.

Procedure on receipt of a request for review

When a complaint is received by the GLA (via mayor@london.gov.uk), it will be logged, acknowledged and allocated to the Information Governance Team.

An internal review will be conducted by someone who did not deal with the original request, although it may be necessary to consult the original request handler for further information on how the request was dealt with. The reviewer will have an appropriate level of seniority and expertise.

The reviewer will consider any representations made and any supporting evidence produced by the complainant. This will be balanced against the response that the GLA issued. The reviewer will take into account:

- the facts surrounding the handling of the request;
- the circumstances under which any decisions were made;
- the statutory provisions;
- relevant codes of practice;
- current guidance from the Information Commissioner and other relevant bodies (eg The National Archives for re-use requests, Defra for requests covered by the INSPIRE Regulations);
- important FOIA/EIR decision notices from the Information Commissioner; and
- relevant case law from the Information Rights Tribunal.

Following the review, the GLA will write to the complainant setting out its decision and the reasons for reaching the decision made. This should provide an opportunity to help the complainant understand how the decision was made and why the GLA believes its decision is correct.

Reviewing a complaint provides the GLA with the opportunity to learn lessons from the way it has handled information access or re-use requests. Where appropriate, the reviewer should recommend corrective actions to improve the GLA's compliance with information access and re-use legislation.

An audit trail of the review process and its findings will be kept by the Information Governance Team, for use in the eventuality of an investigation by the Information Commissioner or other regulatory body.

External complaints

If the complainant remains dissatisfied following the outcome of the internal review:

- Under the FOIA, EIR or regulation 9 of the INSPIRE Regulations (if the complaint relates to restricting public access to data), they can take their complaint to the Information Commissioner for further investigation.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 01625 545745

<http://www.ico.org.uk/>

- Under the Re-use Regulations, they can refer their complaint to the Office of Public Sector Information (OPSI), part of The National Archives.

Office of Public Sector Information
The National Archives
Kew
Richmond
Surrey TW9 4DU

Telephone: 020 8876 3444

<http://www.nationalarchives.gov.uk/contact/contactform.asp?id=8>