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Ask for: Information
Governance

Information Governance
Newham Dockside
1000 Dockside Road
London
E16 2QU

Your ref :

Tel: 020 8430 3737

Our ref: FOI/E5565

Fax: 020 8430 1504

Date: 08/03/2010

Email:

information.governance@newham.gov.uk

Web: www.newham.gov.uk

Dear Mr Campbell,

Freedom of Information Act 2000
Request for Information: Appeal / Complaint
Please quote our reference: E5565
Subject: FOI Requests

We write with regard to your request for information held by the Council under the provisions of the Freedom of Information Act 2000.

We trust that the information provided is satisfactory. You are free to use the information for your personal use only. Any other type of re-use, for example, publishing the information or issuing copies to the public will require permission of the copyright owner. If the Council is the copyright owner, a licence can be applied for under the Re-use of Public Sector Information Regulations 2005.

For future reference we publish information on our website, including the Freedom of Information Publication Scheme and summary of Freedom of Information requests and responses that may be of help to you in searching for information. Our website is mentioned above.

It is important to note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003 the Council asks not to receive unsolicited marketing communication.

Our response to your questions and appeal is set out below.

Request & Response

Initial Request

1) The date the request was received by the council.

This information is included in the spreadsheet

2) The summary subject of the request - in less than 20 words

This information is included in the spreadsheet

3) The date the request was acknowledged.

This information is included in the spreadsheet

4) The date the initial final response was given

This information is included in the spreadsheet

5) The status of this response, i.e. met, not held, rejected

The status we use is included in the spreadsheet.

6) Whether an Internal Review was requested, and if so the date on which this was completed and the outcome status

Information is included in the spreadsheet. The final outcome of the request is recorded on the system.

7) Whether the FOI Request to the council's knowledge was referred to the ICO.

Information included on the spreadsheet - none

8) Whether the ICO issued any guidance or instruction to the council following this referral.

Information included on the spreadsheet - none

(9) The final outcome after the ICO referral.

Information included on the spreadsheet - none

Appeal / Complaint

(1) Q1-Q5

I asked for an XLS spreadsheet, but you have provided a PDF with a number of pages with some individual data items spread over more than one page.

Unfortunately this means that the format is unusable for analysis.

The information requested is attached as a spreadsheet.

(2) Q1-Q5 - I asked about FOI Requests I did not ask about DPA SAR requests. Although it is mildly interesting to note that according to your PDF more than half your FOI Request are deemed to be personal data, I say these should be excluded from your response. In any event, these should have Response Date - presumably when you wrote back and said they are not FOI Requests but DPA SAR's.

Only FOI requests are included on the attached spreadsheet.

Q5 - As to outcome, where all the information is not provided, a word of explanation, such as the section applied should be included.

Information included on the attached spreadsheet.

(3) Q6

I also asked about any Internal Reviews. You have not addressed this issue.

The information we hold is included on the spreadsheet.

(4) I have read your Complaint / Internal Review procedure while this system may be fine for an ordinary complaint, it does not comply with ICO guidance.

I quote from their "Internal Review Time Limits - Good Practice GPG5"

In view of all the above the Commissioner considers that a reasonable time for completing an internal review is 20 working days from the date of the request for review. There may be a small number of cases which involve exceptional circumstances where it may be reasonable to take longer. In those circumstances, the public authority should, as a matter of good practice, notify the requester and explain why more time is needed. In our view, in no case should the total time taken exceed 40 working days. In such cases we would expect a public authority to be able to demonstrate that it had commenced the review procedure promptly following receipt of the request for review and had actively worked on the review throughout that period.

"Some public authorities have complaints procedures which have a number of stages or levels. The Commissioner does not expect an internal review of a response to an FOI request to have more than one stage. Given that this is a review of a statutory process with clear rights for requesters and obligations on public authorities, a degree of formality is expected."

The ICO say that there should be no more than one stage for Internal Review, and that this should take no more than 20wd, before a reference to the ICO is allowed.

You describe a 3-stage process, and allow up to 50wd for this. You need to amend your Internal Review process to make it compliant with ICO guidance.

We have conducted an initial review of our Internal Appeal / Complaint process and made it clearer that the requester can appeal to the Information Commissioner after allowing the Council the opportunity to consider at least one appeal, which is usually within 10 working days. We retain the three stage appeal process; however, the requester can contact the ICO after consideration of the initial appeal. Information from our records shows that most appeals / complaints are resolved at the initial stage and within 10 working days. We will carry out a review of this process and implement any changes before the end of April 2010.

(5) Please provide me with an XLS spreadsheet with the data I asked for. The obvious way would be to provide the information in the PDF as an XLS file, with columns added for any Internal Reviews and outcomes.

The information we hold is provided in an Excel format.

However, you will need to provide the 100 FOI requests, not about 45 FOI and 55 DPA SAR - as the data is in a PDF rather than a spreadsheet, I cannot sort and reorder it, and there is no simple way to reliably count how many of each there are.

Please note my response above.

(6) Please also review your handling of complaints about response to FOI requests.

Please note my response above.

If you require any further information or are not happy with our response please do not hesitate to contact a member of our team on (020) 8430 3737 or email us at information.governance@newham.gov.uk.

Yours Sincerely

Information Governance

Newham Council