

Wiltshire Council

Complaints Procedure for Information Requests

- The Freedom of Information Act has been introduced to give the public greater access to information about the way in which organisations are run. The intention is to make public bodies more accountable for the information they hold and store. As the Council is a public body, as defined by the Freedom of Information Act, it has a duty to provide information that is not exempt under the Act.
- Any organisation that records and uses personal information must be open about how they use the information. Under the Data Protection Act 1998, individuals generally have the right to see the information the Council holds about them and have it corrected if it is wrong.

Standard of Service

All statements of dissatisfaction about our service should be taken seriously and responded to appropriately. In all cases, when dealing with information request complaints we must do the following:-

- Make it clear to the complainant what we intend to do about their complaint and what the timescales are.
- Confirm discussions and actions in writing.
- Ensure that the complainant's desired outcome is clearly defined.
- Consider the vulnerability/dependency of the complainant. If they are vulnerable or dependent it is very important to ensure that they have appropriate support
- Deal with complaints fairly and consistently, and keep a record of complaints for audit and quality control purposes
- Ensure that the Monitoring Officer is kept informed of the complaints that are received

KEY STAGES IN THE COMPLAINTS PROCEDURE

STAGE 1 – Informal Stage

A complaint made at this stage should be fairly straightforward to resolve. A customer may wish to raise an issue or concern they have with the information they have received. They may have been expecting something in addition to what they have received or may be unsure of the timescales involved in sending the information and were expecting it to arrive sooner.

In these cases the Information Officer dealing with the case is responsible for replying to the customer. They should inform the Corporate Information team and input the complaint onto the tracking sheet. The customer should expect a response within 10 working days.

The Information Officer concerned will make the customer aware of the next stage in the process and copy any correspondence regarding the complaint to the Corporate Information team.

STAGE 2 – Formal Complaint and Internal Review

If the customer remains dissatisfied with the outcome at Stage 1, they can ask for their complaint to go through an Internal Review.

The Information Officer dealing with the complaint will pass this over to the Head of Governance, who will not have been involved in determining the matter until this point.

If the complaint is about delays or standards of service provision, the Corporate Complaints team will investigate the complaint and respond to the complainant within 28 days of the Stage 2 complaint being received.

If the complaint is about exemptions applied to the requested information, the Head of Governance will review the decision made by the departmental or Corporate Information team. The Head of Governance will take a provisional decision on whether the complaint should be upheld, and jointly review the provisional decision with the Monitoring Officer. The Monitoring Officer will write to the customer advising them of the findings of the review within 28 working days of the Stage 2 complaint being received. If there are to be any delays in meeting this deadline, the customer must be informed straight away.

If the decision not to provide the information is not upheld, the council will take steps to provide the information as soon as practicably possible, and in any event within 10 working days.

When writing with the council's decision, whether or not the complaint has been upheld, the council will, in informing the complainant of the outcome of the review, advise them of their right to complain to the Information Commissioner if they are dissatisfied with the council's response. They can be contacted at Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, 01625 545745.