

Internal Review Process

An applicant can request an internal review in any of the following circumstances and the matter is such that it cannot be resolved informally:

- The Council has not responded to their request within the statutory timescale
- The Council has issued a refusal notice (ie an exemption applies)
- The Council imposes charges that are disputed
- There is any other dissatisfaction with the response

Any written reply from the applicant expressing dissatisfaction with a response to a request should be treated as a complaint. These communications should be handled in accordance with the review procedure even if the applicant does not expressly state their desire for an internal review (para 38).

Note: Any decision letter that contains a refusal must notify the applicant of their right of complaint as well as right to complain to the Commissioner if they are still dissatisfied following the internal review. However, as a matter of good practice details of the complaints procedure should be provided when responding to all requests (CoP, EIR 2004, para 59).

Please use the following passage at the end of your responses to FOI / EIR requests:

If you are unhappy with the way your request for information has been handled, you can request a review by writing to the FOI Officer at: The London Borough of Barnet, North London Business Park, Oakleigh Road South, London, N11 1NP (email foi@london.gov.uk).

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 08456 30 60 60 or 01625 54 57 45; website: www.ico.gov.uk).

There is no charge for making an appeal.

The Principles of a Review:

The nature of the review must:

- Be independent and impartial
- Reconsider the merits of case
- Examine where the public interest lies
- Identify any errors in the handling of the request

The Review Process:

Stage	FOIA 2000	EIR 2004	DPA 1998	
1	Request for Information	Within 20 working days	Within 20 working days (40 if complex and voluminous)	Within 40 calendar days
2	Internal review	Within 20 working days (40 in exceptional circumstances)	Within 40 working days	No provision for a review

3	Appeal to ICO	Once the internal review process has been exhausted	Once the internal review process has been exhausted	See below
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If an applicant is dissatisfied with the response to a subject access request then they can complain directly to the ICO, even if no review has been requested or complaint made to the Council (unlike under the FOIA and EIR where the internal review must have been exhausted).

The Internal Review Stage:

Whilst the timescales allowed for an internal review extend to 40 working days, it is the council's aim to carry out and conclude a review within 15 working days (in line with the internal complaints procedure). However, it is recognised that in some cases, this will need to be extended. The important thing is to keep the requester informed. The internal review process is as follows:

Request for review:	Carried out by:	Approved by: (if being upheld)
If RFI dealt with by Link Officer	Information Governance Officer (Niall Toru)	Information Governance Manager (Sian Hughes)
If RFI dealt with by Governance Officer (Niall Toru)	Information Governance Manager (Sian Hughes)	Governance Director (Jeff Lustig)