



## ABERDEEN CITY COUNCIL

### **Freedom of Information (Scotland) Act 2002 – (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs)**

#### **Requesting an Internal Review**

If you are not satisfied with the response to your request for information, or the way in which your request has been handled, you can request that ACC review our response. You should do this within 40 working days of the receipt of this information. To request a review, please write to or email us at:

Access to Information Team  
Customer Feedback  
Customer Experience  
Aberdeen City Council  
1<sup>st</sup> Floor North  
Business Hub 6  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AQ  
Email: [foienquiries@aberdeencity.gov.uk](mailto:foienquiries@aberdeencity.gov.uk)

#### **Your request for review must include:**

- your name and address (an email address is fine)
- the reference number for your original request for information
- your reason(s) for requesting a review

If required, a panel of senior officers who were not involved in the handling of your original request will review ACC's response. ACC will acknowledge receipt of your review request and you will be informed of the outcome within 20 working days from ACC's receipt of your request for a review.

#### **Appealing to the Scottish Information Commissioner for a decision**

If you are not satisfied with the outcome of your request for an internal review, you can apply directly to the Office of the Scottish Information Commissioner (OSIC) for a decision. Generally, OSIC cannot make a decision unless you have been through the Council's review procedure. To make an application to OSIC, please write or email OSIC at:

The Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
[www.itspublicknowledge.info](http://www.itspublicknowledge.info)

An application to OSIC must be made in writing within six months of receipt of ACC's Review Decision Notice. When applying to OSIC to make a decision you should give your name and address for correspondence. Please note that OSIC will not be able to investigate if you have not used your real name to make your information request.

**You must also specify:**

- Which request for information your requirement for review relates to
- The reason that you asked ACC to carry out a review of your request
- The reason why you are not satisfied with ACC's review outcome decision

The Commissioner will contact ACC and invite its comments on your application. Thereafter (if no settlement has meantime been reached), the Commissioner must reach a decision within 4 months of receiving your application, or within such other period as is reasonable. You will receive written notice of the outcome of the Commissioner's decision.

**Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of the decision has been issued.**

## Your data: FOI and EIR enquiries

### How we handle your data

If you make a Freedom of Information (FOI) or an Environmental Information (EIR) request, we'll keep all information about your request in an electronic case file. We don't use your personal data for any other purpose than to correspond with you about your request.

If you request a review of your response, your personal data may be shared with our Committee Services Team for the purpose of processing the review and responding to you.

We publish responses to FOI and EIR requests on our [Disclosure Log](#), but we remove all your personal information from responses before we publish them.

### How long we'll keep your information for

Where a request has not been appealed to the Scottish Information Commissioner for a decision, we keep our FOI and EIR Case Files for the current year, plus three years, from the date that your enquiry was closed. Where a request has been appealed to the Scottish Information Commissioner for a decision, we keep the case files for the current year, plus six years. We also keep a register of all FOI and EIR requests we receive for a longer period of time, so we can understand what the trends are in the numbers and types of request we get, but this is kept in anonymised form (your data isn't kept).

### Your rights

You have rights in relation to your data, including the right to ask for a copy of it. See the [Your data](#) page for more information about all the rights you have, as well as the contact details for the Council's Data Protection Officer. You also have the right to make a complaint to the [Information Commissioner's Office](#) if you think we haven't handled your data properly.

### Our legal basis

Aberdeen City Council is the Data Controller for your data we hold as part of receiving and responding to your FOI or EIR request. The Council has a statutory duty under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 to respond to requests for information. This means that we understand our legal basis for processing your data as Article 6(1)(c) of the General Data Protection Regulation. Responding to FOI and EIR requests is something we have to do by law, and we can't do it without processing your data.