



# Northumberland County Council

## INFORMATION COMPLAINTS POLICY

DOCUMENT REFERENCE	VERSION	DATE OF THIS VERSION	DATE OF ORIGIN
NCC/IG08	1.0	18/05/2018	24/08/2015

	APPROVED BY	APPROVAL DATE
1	Data Protection Officer	24/05/2018

DATE REVIEWED	REVIEWED BY	APPROVAL DATE	NEXT REVIEW DATE
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## Related Policies

POLICY NAME	POLICY REFERENCE NUMBER	VERSION
Data Protection and Confidentiality Policy	NCC.IG02	5.3
Freedom of Information Policy	NCC.IG04	2.2
Environmental Information Policy	NCC.IG05	1.0
Information Charging Policy	NCC.IG06	1.0
Re-use of Information Policy	NCC.IG07	1.0

## Amendment History

VERSION	DATE	DESCRIPTION
0.1	24/08/2015	Working Draft
0.2	25/11/2016	Changes made after consultation with the Information Governance Group, Digital Northumberland Board and Corporate Leadership Team
1.0	18/05/2018	Amendments to policy in line with GDPR



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## 1. Scope

1.1 This Policy applies to any customer of the Council, or a person or body acting on behalf of the customer who has a complaint about an information related matter.

1.2 In this instance a customer of the Council is anyone who:-

- Contacts the Council to seek information using the Freedom of Information (FOI), Environmental Information Regulations (EIR) or Data Protection (DP) processes;
- Contacts the Council to report concern about how personal information is being handled;
- Contacts the Council to seek permission to re-use the Council's information.

## 2. Purpose

2.1 This policy sets out how customers can make a complaint about:-

- request for information under the Freedom of Information (FOI) Act or Environmental Information Regulations (EIR);
- requests for personal information under the General Data Protection Regulation (GDPR);
- the way in which personal information has been handled in relation to the General Data Protection Regulation;
- requests to re-use the Council's information;

And how we will respond to and learn from complaints received.

2.2 This policy is part of a suite of Information Governance policies.

## 3. Introduction

3.1 The Council is committed to delivering excellent customer service. Listening to our customers and learning from customer feedback enables the Council to improve its services and meet the needs of customers more effectively. .

3.2 We want to make it as easy as possible for customers to let us know their views, including how to make a complaint.



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## 4. Definition of an Information Complaint

4.1 An information complaint is an expression of dissatisfaction about the Council's handling of a request for information, request to re-use information or the standard and quality of service in relation to FOI, EIR, DP or re-use – which require a response. The response may be to put things right straightaway, or to investigate the matter further.

4.2 A complaint could include any of the following concerns:

- we delay or fail to deliver a request for information or a request to re-use information;
- we fail to resolve a request to handle personal information as we should;
- a member of staff's attitude or competence causes concern;
- we fail to meet our statutory responsibilities in relation to FOI, EIR, DP or re-use;
- we apply an exemption that a requester is not happy about.

4.3 A complaint is not:

- a first request for service;
- a query about the process of a specific issue.

## 5. Information Complaints Procedure

5.1 Customers must make a formal information complaint about the Council in writing by emailing the Data Protection Officer at [Informationgovernance@northumberland.gov.uk](mailto:Informationgovernance@northumberland.gov.uk) or by post to Northumberland County Council, County Hall, Morpeth, NE61 2EF. If assistance is required to put a complaint into writing the complaint can be made in person via our Customer Service local Offices.

### 5.2 Information Resolution

5.2.1 Where the information complaint is of a general nature we aim to resolve the issue informally.

5.2.2 We encourage customers in this first instance to contact the FOI/EIR or DP Coordinator of the service they wish to complain about. The Coordinator will do all they can to put things right.

### 5.3 Formal Resolution

5.3.1 Where the information complaint is related to a perceived breach of the FOI or GDPR Acts, the EIR or re-use of information legislation the complaint will be investigated by



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the Data Protection Officer through the Council's formal procedure. The formal complaint process will be carried out as a one stage internal review.

5.3.2 Please note that FOI complaints must be made within 2 calendar months from the date of the response and EIR complaints must be made within 40 working days of the alleged failure to apply the regulations.

## 5.4 Formal Process

5.4.1 A senior officer of the Council who has not been involved in the initial response will carry out the internal review along with any other appropriate Council officers. This will be overseen by the Data Protection Officer.

5.4.2 An acknowledgement will be sent to the customer within 5 working days and we strive to provide a response within 20 working days. The timescale for the sending of the response can be extended to within 40 working days for in depth internal reviews. The complainant will be informed about this extension and the reason for it.

5.4.3 Please note that while we try to keep within the deadline above, there is no defined statutory timescale for dealing with these complaints.

## 6. How to appeal against the outcome of an Information complaint

6.1 Where the Data Protection Officer has internally reviewed a complaint about access to information or the handling of personal information and the customer is still not satisfied, they may appeal to the Information Commissioner.

6.2 Where the Data Protection Officer has internally reviewed a complaint about the re-use of information and the customer is still not satisfied, they may appeal to the Information Commissioner if the re-use relates to a dataset.

6.3 Where the re-use relates to non-dataset information the Re-use of Public Sector Information Regulations apply and in these cases the appeal should be made to Office for Public Sector Information (OPSI).

6.4 For FOI and EIR complaints the appeal must be made to the Information Commissioner within 6 months of the outcome of the internal review.

6.5 For complaints to OPSI the appeal should be made in writing, state the nature of the complaint and should be accompanied by a copy of the Council's complaint investigation.



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## 7. Responding to Information Complaints

7.1 On receipt of a formal information complaint we will:

- ensure it is recorded on the Council's system for tracking complaints
- ensure it is forwarded to the Data Protection Officer who will coordinate an investigation

7.2 We will acknowledge and respond to the complaint or send a holding letter to the customer in line with the timescales indicated in section 4.

7.3 All information complaints are dealt with courteously, openly and fairly.

### 7.4 Information Complaints - Upheld

7.4.1 Where we have made a mistake or failed to provide the expected standard or quality of service, we will acknowledge and apologise for this. We will also set out the actions we will take to put things right and improve our services. This could include:

- Providing previously withheld information
- Permitting the re-use of information
- Permitting the re-use of information with different terms
- Reviewing Council FOI, EIR, DP or re-use policies or procedures
- Reviewing how we handle personal data
- Providing appropriate staff training and guidance

### 7.5 Information Complaints – Not Upheld

7.5.1 Where we have investigated and we still uphold the original decision made, we will:

- Explain the reasons for our decision clearly
- Provide any relevant evidence to support the decision
- Inform customers how to progress their complaint if they remain dissatisfied

## 8. Persistent and Vexatious Information Complaints

8.1 We aim to respond to all information complaints positively, and ensure that customers are satisfied with the way their complaint has been handled.



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- 8.2 In a small number of cases customers may pursue a complaint in an unreasonable way, which impacts on Council resources and capacity to respond to the complaint effectively.
- 8.3 Ways in which a customer may be considered unreasonably persistent or vexatious in pursuing their information complaint could include:
- Changing the basis of a complaint during the investigation process
  - Refusing to cooperate with the complaints investigation process
  - Refusing to accept investigation conclusions and decisions
  - Repeatedly making the same or similar complaint
- 8.4 Continuing to respond to these complaints can take up a lot of time and reduce capacity to deal with other complaints effectively.
- 8.5 Where it is considered that an information complaint has become vexatious the Data Protection Officer, with Legal advice if necessary, will inform the customer of any decisions to close a complaint and not enter into any further correspondence on the matter.

## 9. Learning from Information Complaints

- 9.1 Feedback from our customers is used to drive service improvement.
- 9.2 Data about information complaints is collated and used to review how we handle and respond to customer feedback. This includes:
- How well we meet our target response times
  - How effective we are in capturing information complaints across the Council
- 9.3 Information complaints are regularly reviewed to identify how we can improve our information related processes. This includes:
- A senior member of the Information Governance Office making operational improvements in response to specific complaints
  - Regular review of upheld complaints to identify issues that need addressing
  - Identify areas where more training is required.

## 10. Confidentiality

- 10.1 Any personal information provided to the Council will be managed in line with the requirements of the General Data Protection Regulation.



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- 10.2 Personal information will remain anonymous when producing and sharing information about information complaints with other services and partners.

## **11. Implementation**

- 11.1 This Policy is effective immediately.

## **12. Monitoring and review**

- 12.1 This Policy will be monitored by the Digital Northumberland Board and will be reviewed every two years or where there are changes to Legislation.

## **13. Useful contacts**

- 13.1 The Data Protection Officer and Information Governance Office via [informationgovernance@northumberland.gov.uk](mailto:informationgovernance@northumberland.gov.uk)

The Information Commissioner's Office via [www.ico.org.uk](http://www.ico.org.uk)

The Office for Public Sector Information via [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)