

**APPEAL PROCEDURE –  
Data Protection Act 1998, Freedom of Information Act 2000 and Environmental  
Information Regulations 2004**

**REFERENCE: DPA/PRO-3/LE**

**GROUP DEPUTY PRINCIPAL  
CORPORATE SERVICES**

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1. ☒ EIA

Date:

22.04.2009

2. ☒ VP Approval

Date:

22.04.2009

Review Date:

April 2017

## **1.0 PROCEDURE STATEMENT**

Warwickshire College aims to satisfy all valid requests for information under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004, subject to the exemptions stated in the Acts.

## **2.0 GENERAL PRINCIPLES**

The College endeavours to ensure that:

1. all personal data collected on paper systems and on electronic systems shall be stored securely;
2. personal data shall not be accessible to or disclosed to any unauthorised third party;
3. all staff, learners and other data subjects know how to access corporate information and the personal information the College may hold about them via the production of guidance and advertisements in 'Headlines' and 'Connect Six';
4. staff, learners and other users of the College are able to access corporate information and their personal data held by the College;
5. staff, learners and other users of the College are able to appeal if a request for information is refused by the College;
6. where information has been provided by the data subject, in relation to the Data Protection Act 1998, College records will be up to date and accurate;
7. it complies with its obligations under the Acts specified at point 1.0 of this Policy..

## **3.0 APPEALS PROCEDURE**

In the event of dissatisfaction with the way in which your request was processed and/or with the decision taken by the College in relation to a request for personal information, the College's corporate or environmental information or in the way the College operates its Publication Scheme, an appeal should be made as follows:

### **3.1 Resolving an appeal**

The College encourages dissatisfied customers to raise concerns about how their request was dealt with and/or the outcome of a request for information by writing to the College.

The details of an appeal should be clearly stated in writing and sent to:

Legal Affairs  
Royal Leamington Spa College  
Warwickshire College Group  
Warwick New Road  
Royal Leamington Spa  
Warwickshire  
CV32 5JE

Email: [ldcross@warwickshire.ac.uk](mailto:ldcross@warwickshire.ac.uk)

The reason(s) for the appeal should be clearly stated in the letter and the following procedure will then be applied:

### **3.1.1 How an appeal is dealt with**

An appeal can be raised on three grounds 1) the way in which the original request was processed, 2) a refusal to disclose requested information, or 3) the College's non-compliance of its Publication Scheme. An acknowledgement of the appeal will be made within three working days and a member of the College's Senior Leadership Team will arrange for a review to be conducted.

### **3.1.2 An appeal against the way in which a request was processed**

The member of the Senior Leadership Team will arrange for an internal review of the process used to deal with a request. This review will be conducted by a person not party to the original decision. The review will look at the issues raised in an appeal, but may also include (at the discretion of the reviewer) a review of the time taken to resolve the request from receipt to response, the level of priority given to a request (taking into account the workload of the staff members involved in processing the request at the time), any fee charged and how that amount was arrived at and any other issues pertinent to the process and as required by the relevant Act. The member of the Senior Leadership Team will inform the complainant, usually via the Legal Affairs Officer, of the outcome in writing.

A response will normally be made within 20 working days of a formal appeal. However, the response time will vary depending on individual circumstances. Where consideration takes longer than 20 working days, i.e. because of research into the legal aspects relating to the appeal, the College will endeavour to keep the complainant informed of progress and the reasons for any delay.

Appeals will be dealt with in confidence as far as it is reasonably able to do so.

### **3.1.3 Appeal against a decision not to disclose information**

The member of the Senior Leadership Team will arrange for an internal review of the reason(s) for the decision to refuse disclosure. This review will be conducted by a person not party to the original decision. The member of the Senior Leadership Team will inform the complainant, usually via the Legal Affairs Officer, of the outcome in writing. If the outcome of the internal review is that the information originally requested should be disclosed, it will be provided as soon as practicable.

A response will normally be made within 20 working days of a formal appeal. However, the response time will vary depending on individual circumstances. Where consideration takes longer than 20 working days, i.e. because of research into the legal aspects relating to the appeal, the College will endeavour to keep the complainant informed of progress and the reasons for any delay.

Appeals will be dealt with in confidence as far as it is reasonably able to do so.

### **3.1.4 Appeal against compliance involving the College's Publication Scheme**

A member of the Senior Leadership Team will arrange for an internal review of the alleged non-compliance. This review will be conducted by a person not party to the original compliance. The member of the Senior Leadership Team will state in writing whether the College has failed to comply with the relevant legislation. An explanation of any non-

compliance will be given and an indication of what steps the College intends to take to rectify the matter.

A response will normally be made within 20 working days of an appeal. However, the response time will vary depending on individual circumstances. Where consideration takes longer than 20 working days, i.e. because of research into the legal aspects relating to the appeal, the College will endeavour to keep the complainant informed of progress and the reasons for any delay.

Appeals will be dealt with in confidence as far as it is reasonably able to do so.

#### **4.0 What to do if you remain dissatisfied**

In the event that the appeal cannot be resolved through the above procedure, individuals have a right to appeal to the Information Commissioner's Office. If such an appeal is to be made, the application should be made in writing to the:

Information Commissioner's Office  
Wycliffe House,  
Water Lane  
Wilmslow,  
Cheshire  
SK9 5AF