

**INFORMATION RIGHTS APPEAL PROCEDURE –  
General Data Protection Regulation (EU 2016/679),  
Freedom of Information Act 2000 and  
Environmental Information Regulations 2004**

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

**CHIEF FINANCE OFFICER**

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1. ☒ EIA

Date:

22.04.2009

2. ☒ VP Approval

Date:

22.04.2009

Review Date:

March 2021

## **1.0 PROCEDURE STATEMENT**

Warwickshire College Group (WCG) aims to satisfy all valid requests for information under the General Data Protection Regulation, Freedom of Information Act 2000 and Environmental Information Regulations 2004, subject to the exemptions stated in those Acts.

## **2.0 GENERAL PRINCIPLES**

WCG endeavours to ensure that:

1. all personal data collected on paper systems and on electronic systems shall be stored, recorded and processed securely;
2. personal data shall not be accessible to or disclosed to any unauthorised third party;
3. all students, staff, and other data subjects know how to access their personal data and WCG's corporate information that it may hold via the publishing of procedures and guidance on WCG's intranet and by advertisements on site;
4. all students, staff, and other visitors to WCG are able to appeal if a request for information is refused;
5. where information has been provided by the data subject, in relation to the General Data Protection Regulation, WCG's records will be updated and accurate;
6. it complies with its obligations under the relevant legislation.

## **3.0 APPEALS PROCEDURE**

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

### **3.1 Resolving an appeal**

WCG encourages dissatisfied customers to raise concerns about how their request was dealt with and/or the outcome of a request by writing to WCG in the first instance.

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

Data Protection & Freedom of Information Officer  
Royal Leamington Spa College  
Warwickshire College Group  
Warwick New Road  
Royal Leamington Spa  
Warwickshire  
CV32 5JE

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

The ground(s), as described in paragraph 3.1.1 below, for the appeal should be clearly stated in your 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:

- a. the way in which the original request was processed;
- b. a refusal to disclose requested information; and/or
- c. WCG's non-compliance of its Publication Scheme.

An acknowledgement of the appeal will be made within three (3) working days and a member of WCG'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 the request. This review will be conducted by a person not party to the original decision. The review will look at the issues raised in the 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 member(s) 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 legislation. The member of the Senior Leadership Team will inform the complainant, usually via the Data Protection & Freedom of Information Officer, of the outcome in writing.

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

WCG will deal with an appeal in confidence, as far as it is reasonably practicable 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 Data Protection & Freedom of Information 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 twenty (20) working days of receipt of an appeal. However, the response time will vary depending on individual circumstances. Where consideration takes longer than twenty (20) working days, i.e. because of research into the legal aspects relating to the appeal, WCG will keep the complainant informed of progress and the reasons for any delay.

WCG will deal with an appeal in confidence, as far as it is reasonably practicable to do so.

#### **3.1.4 Appeal against compliance involving the WCG'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 or responsible for the maintenance of the Publication Scheme. The member of the Senior Leadership Team will state in writing whether WCG has failed to comply with the relevant legislation. An explanation of any non-compliance will be given and an indication of what steps WCG intends to take to rectify the matter.

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

WCG will deal with an appeal in confidence, as far as it is reasonably practicable 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