

FURTHER INFORMATION:

Midlothian Council's Complaints Procedure under the Freedom of Information (Scotland) Act 2002 (FOISA) and Environmental Information (Scotland) Regulations 2004 (EIRS):

An applicant who is dissatisfied with the way in which Midlothian Council has dealt with his/her request for information under the FOISA or the EIRS may, by virtue of Section 20 of the FOISA or Regulation 16 of the EIRS, require Midlothian Council to review its actions and decisions in relation to that request.

If you wish Midlothian Council to review its actions and decisions with respect to your request for information, you should write to the Director or other official whose name is given on the letter. That official will arrange for your application for review to be considered. Thereafter he/she will write to you informing you of the decision by not later than twenty working days after receipt of your request requiring that a review be made. By virtue of Section 21 of the FOISA and Regulation 16 of the EIRS, you will be provided with a statement of reasons for arriving at the decision made.

Please note that any such request for review must reach Midlothian Council by no later than 40 working days after the time allowed for complying with your original request.

Requests for review must be in writing (or in another form which has some permanency and is capable of being used for subsequent reference e.g. audio/video tape recording). You must:-

- state your name and address for correspondence;
- give details of the information which you originally requested from Midlothian Council; and
- state the reason(s) why you are dissatisfied with the way in which your application for information has been dealt with.

Your Right to Complain to the Scottish Information Commissioner:

Under Section 47 of the FOISA and Regulation 17 of the EIRS, a person who is dissatisfied with the outcome of their request for review by the Council may apply to the Scottish Information Commissioner to determine whether their request (or any part of it) has been properly dealt with.

An application to the Scottish Information Commissioner must be made in writing (or in another form having some permanency eg audio/video tape recording) within six months of receipt of the notice advising of the outcome of the Council's review. The applicant must specify:-

- a) his/her name and address for correspondence;
- b) the request for information to which the requirement for review by Midlothian Council related;
- c) the matter which gave rise to the applicant's dissatisfaction with the way in which Midlothian Council dealt with their original request; and
- d) the matter which gives rise to the applicant's dissatisfaction relating to the review by Midlothian Council.

The Scottish Information Commissioner can be contacted at:-

Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS

(Telephone – 01334 464610; Fax - 01334 464611;

Email – enquiries@itspublicknowledge.info)