



## **The Audit Commission's Access to Information Complaint and Appeal Procedure**

The Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations provide you with the right of access to information held by the Audit Commission.

If you've made a request for information, and are unhappy with either the response you received, or the way we dealt with your request, you can ask us to review your request.

There are some differences on what we have to do under the Data Protection Act, which are explained separately

### **How to Complain**

If you're unhappy with either the response or the way in which your request was handled, we ask that you put your concerns in writing to us within 40 working days of the date of our response and send it to:

Robert Mauler  
Public Enquiries Manager  
Audit Commission  
Westward House  
Lime Kiln Close  
Stoke Gifford  
Bristol, BS34 8SR

Or by email to [foi@audit-commission.gov.uk](mailto:foi@audit-commission.gov.uk)

If you're unable to put your concerns in writing, please contact the Public Enquiries Team to discuss how we can help.

You can provide supporting evidence with your complaint. Any information provided will be used to help assess your complaint. In most situations, a full re-evaluation of your request will be undertaken, considering the matters you have raised.

Please bear in mind that should you refer your complaint to the Information Commissioner's Office, they will expect you to have exhausted this procedure before making an appeal to their office.

Unless there are extenuating circumstances, complaints made more than 40 working days after the date of the response will not be considered. Complaints made outside this timescale will be reviewed by the Public Enquiries Manager who will decide whether the complaint will be investigated

## **Complaints about your information request**

### **The way the request was handled**

We'd like to know if you're unhappy about the way your request was handled, for example:

- if we haven't responded within the timescale set out in the legislation, or any other timescale we agreed;
- if you feel that we haven't provided proper advice and assistance to help you in making your request, including your right to complain to the Information Commissioners Office;
- if we haven't provided the information in the format you requested ; or,
- if we haven't explained any reasons for refusing the request properly.

These types of concerns will normally be investigated by the Public Enquiries Team. If the original request was handled by a member of Public Enquiries Team, a more senior manager will review the decision.

### **The response received**

If you're unhappy about our decision to refuse access to information, or withhold some of the information you requested, you can ask us to review our decision.

This type of complaint will be normally be investigated by a member of the Public Enquiries Team. If the original decision has been made by a member of Public Enquiries Team, a more senior manager will review the decision.

## **Complaints about the Publication Scheme**

If you have a complaint about the Publication Scheme, for example, you requested information from it and haven't received what you were expecting, you should contact the Public Enquiries Team at the address given earlier setting out your complaint, preferably in writing.

## **Complaints about your information under the Data Protection Act 1998**

If you're unhappy with the information we've provided, or the way in which we've dealt with a request to provide you with your personal information which the Commission holds, you can ask for a review.

If you believe that one or more of your rights, relating to data protection, has been breached, please let us know. The matter will be considered by the Public Enquiries Manager, or, if the Public Enquiries Manager has been involved in the actions leading to the complaint, a more senior manager will conduct the investigation.

If at any time you're concerned about how the Commission is using personal information, please contact our Public Enquiries Team.

### **What can you expect?**

When you contact us, we aim to acknowledge your concerns within 5 working days, and will let you know the target date for responding to your concerns in full.

This is normally 20 working days after we have received your complaint, although there are some differences in the statutory requirements of the Freedom of Information Act, Data Protection Act and the Environmental Information Regulations, but we'll explain these to you if they affect your complaint.

Where it is clear that dealing with your concerns will take longer than the target time (for example, if it's a complex request), we'll give you an explanation of the reason for the delay and our estimated response date.

Your concerns will be considered free of charge

If your appeal is upheld, you'll receive a full response explaining what happened and what we are going to do to put matters right.

### **Possible Outcomes**

| <b>Types of Complaint</b>   | <b><i>Possible Outcomes</i></b>  |
|---|--|
| Information should be disclosed, which was previously withheld.   | If possible we will disclose the information as soon as practicable, or we will explain to you why the original decision has been upheld.  |
| Procedures have not been properly followed by the Audit Commission's staff.                               | An apology will be provided. We'll also consider the appropriate steps that should be taken to prevent similar errors occurring in future. |
| The initial decision to withhold information is upheld, or is otherwise in the Audit Commission's favour. | We'll let you know about our decision and will explain your right to appeal to the Information Commissioner.                               |

## **What can you do if you're not satisfied with the response to your concerns?**

If we've been unable to resolve your concerns you have the right to appeal to the Information Commissioner.

The Information Commissioner can be contacted at:

Wycliffe House  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 01625 545700  
Email: [xxxx@xxx.xxx.xxv.uk](mailto:xxxx@xxx.xxx.xxv.uk)  
Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Or in the case of complaints about Data Protection, you can also apply to the court service.

Details of your local Court Service can be found at:

Website: [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

## Information about the Data Protection Act 1998

Neither the Data Protection Act 1998 nor statutory guidance provides a right to an internal appeal in respect of complaints concerning access to information about you; however you do have the right to apply to a Court in respect of a breach of your rights.

An individual may also ask the Information Commissioner to investigate a breach concerning access-related rights, but the Commissioner is only able to consider using his powers of enforcement under the Act. He does encourage individuals to give the organisation concerned the opportunity of putting things right, before making a complaint to him. The following link provides more information about the Information Commissioner's powers:

[http://www.ico.gov.uk/home/what\\_we\\_cover/data\\_protection.aspx](http://www.ico.gov.uk/home/what_we_cover/data_protection.aspx)

There are four rights given to you as an individual under section 7(1) of the Data Protection Act. These rights are known as a 'subject access request'.

Those rights are:

- to be told by the data controller whether information about you is being handled, or 'processed' by the data controller or by someone on behalf of the data controller.

This right means that you must be told by the data controller, if and what personal information about you it is handling. It is possible that no personal data relating to you is handled by the data controller and therefore no other rights are applicable.

- To be given a description of the personal information being handled, the purposes for which that information is being handled and to whom it may be disclosed.

This right means that the data controller must tell you the type of information it is handling about you and why it is being handled. It does not have to name the people it may disclose your personal information to. For example, in the case of an employee, the data controller holds information about their bank account details, which is handled by payroll employees. The data controller need only disclose the fact that banking details are handled, to state the purpose for which it is held, being to pay a salary direct to that person's bank account, and the type of staff within the payroll section who handle that information for that purpose.

- To receive that information in a reasonable format and to be told where the personal information was obtained from.

This right provides that you must be given a copy of the information in a permanent form, such as a photocopy, unless this is not possible, or would involve a disproportionate effort. A copy may be a new document created containing all the information. If the copy of the information is not clear, then you must be given an explanation of what it means. You can waive your right to receive a copy if, for example, you are happy simply to inspect the information. You will also be told where the information came from, if this is known at the date of the request. There is no requirement under the Act for the Commission to retain details as to a source of the information.

- To be told what the logic of the decision-making is as a result of any automatic processing of matters relating to you as an individual. For example, to evaluate performance at work, which has, or is likely to, form the sole basis for a decision significantly affecting you.

This right is to enable you to understand why certain decisions have been taken about you, for example, as a result of a psychometric testing exercise, decisions were made in respect of your compatibility for a particular post.

In addition to these four rights, the Audit Commission must respond to your request within 40 calendar days, unless it has asked you to provide further information in order to progress your request.