

***This document outlines the appeals process that service users can exercise if unhappy with the way in which a request for information has been handled. This document covers requests made under the Freedom of Information Act 2000, Environmental Information Regulations 2004, and Data Protection legislation.***

### **Appeals regarding Freedom of Information (FOI) and Environmental Information Regulations (EIR) Requests**

If you are dissatisfied with the way in which the County Council has responded to your request for information under the FOI Act or EIR then you may request that the Council conducts a statutory *Internal Review*. You may wish to request such a review if you:

- are dissatisfied with the way in which your request has been handled,
- do not agree with an exemption that has been applied to the information you have requested,
- believe that not all of the information has been provided to you.

Upon receipt the Information Governance Manager will appoint an officer to handle your complaint. Where possible the appointed officer will not have had any involvement in your original request and will have more seniority than the original responding officer. The reviewing officer will then examine your original request and the response that was sent to you and decide whether the Council responded to your request appropriately according to legislative requirements. The reviewing officer will also decide whether to uphold or overturn decisions to withhold information.

The Council will conduct FOI and EIR Internal Reviews within 20 Working Days.

If you are dissatisfied with the response to an Internal Review you may appeal to the Information Commissioner's Office (see overleaf).

### **Appeals regarding Subject Access Requests (SAR) and other Data Protection requests or concerns**

If you are dissatisfied with the way in which the County Council has responded to your Subject Access Request or other Data Protection request/concern then you may request that the Council conducts an *Internal Review*. Unlike with the FOI/EIR process this is *not* a statutory requirement but is instead a stage that the Council has chosen to adopt. You may wish to request such a review if you:

- are dissatisfied with the way in which your request has been handled,
- do not agree with an exemption that has been applied to the information you have requested,
- believe that not all of the information has been provided to you.

Upon receipt the Information Governance Manager will appoint an officer to handle your complaint. Where possible the appointed officer will not have had any involvement in your original request and will have more seniority than the original responding officer. The reviewing officer will then examine your original request and the response that was sent to you and decide whether the Council responded to your request appropriately according to legislative requirements. The reviewing officer will also decide whether to uphold or overturn decisions to withhold information.

The Council will conduct Data Protection Internal Reviews within 30 Calendar Days.

If you are dissatisfied with the response to an Internal Review you may appeal to the Information Commissioner's Office (see overleaf).

## How to Request an Internal Review

To request that the Council conducts an Internal Review you should contact the Information Governance Manager on the below contact details:

Information Governance Manager  
North Yorkshire County Council  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AL

Email: [infogov@northyorks.gov.uk](mailto:infogov@northyorks.gov.uk)  
Telephone: [01609 532526](tel:01609532526)

When requesting an Internal Review you should supply the following information:

- Your name (so that we can identify you and your request)
- Your contact details (so that we can contact you with our response)
- Request reference number (this should have been provided to you when the Council responded to your original request)
- Reasons why you are dissatisfied with the response to your request

The Information Governance Office will acknowledge your request for an internal review within 5 working days and advise you of timescales for responding.

***Please be aware that Internal Reviews will not usually be conducted if 2 Calendar Months have passed since your request was responded to.***

## After the Council has considered your appeal

If, following the completion of an internal review, you still remain dissatisfied with the way in which the Council has handled your request then you may appeal to the Information Commissioner's Office (ICO). The ICO is the UK's Freedom of Information and Data Protection Regulator.

You can do this by contacting:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow Cheshire  
SK9 5AF

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Phone: 0303 123 1113

If you are dissatisfied with the ICO's response to your complaint then you may be able to take your complaint to the information tribunal. The ICO will give you details about this when they issue their decision notice.

*For more information about how North Yorkshire County Council processes your personal data you may wish to read our Privacy Notice on our website: [www.northyorks.gov.uk/privacy](http://www.northyorks.gov.uk/privacy)*