

Mr Phil Kershaw
WHAT DO THEY KNOW?

PAUL JOHNSON
DIRECTOR OF RESOURCES &
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Dear Mr Kershaw,

Freedom of Information Act 2000 (FoIA)

Further to your request for information that we received on 21st September 2017, please find our response below. You asked:

Other than the general advice and guidance on your website, I am unable to find your formal policies on the investigation of complaints against the council, for data protection and for freedom of information.

Please provide electronic copies of these documents plus details of the authority traceable to the constitution they were issued and which cabinet portfolio or council committee is responsible for oversight of the policy.

Formal policies have not been written.

The Information Commissioner's Office (ICO) produces a large volume of information about the above legislation and the Data Protection Act (DPA). Although the guidance is not mandatory, it is used by this Council and many others to help guide and information decisions about the interpretation and application of the law.

In line with the ICO guidance, we will review complaints on a case by case basis; examining all the relevant evidence (including where applicable ICO guidance and case law) to reach a decision. The ICO recommends that the complaints process is a 'single stage process' that takes no longer than 20 working days in most cases, or 40 in exceptional circumstances.

We will be reviewing the FoIA and DPA content on the Council website in the coming months. If there is any information you think may be of interest or use to the general public regarding the Council's handling of complaints, please let us know at xxxxxxx@xxxxxxxxx.xxx. We will consider including this in the upcoming revisions.

We trust this information is of interest and assistance. However, if you wish to request a review of our decision or make a complaint about how your request has been handled under the legislation, you should write to the following address or reply to the email to which this letter is attached:

Corporate Information Governance Manager
Resources Directorate
ICT and Information Governance
Council House, Manor Square
Solihull, West Midlands
B91 3QB

Your request for an internal review should be submitted to us within 40 days of receipt by you of this response. Any requests received after this time will be considered at the discretion of the Corporate Information Governance Manager.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO will not make a decision until you have exhausted the complaints procedure provided by the council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 (local rate) or 01625 545 745 (national rate). Website: www.ico.org.uk.

Yours sincerely,

Carol Bowdery
Corporate Information Governance Officer
ICT and Information Governance