

Internal Reviews Guidance



What is an Internal Review?

If an individual is dissatisfied with the way the school has responded to an information request (FOI, EIR or SAR) or another data subject request or concern, they can ask that the school or Trust reviews its original response. This is called an 'Internal Review request'.

The individual may wish to request an Internal Review if they:

- are dissatisfied with the way in which the request has been handled;
- do not agree with an exemption that has been applied to the information they have requested; or
- do not believe that all the information has been provided to them.

Requests for an Internal Review relating to FOI or EIR should be made within 40 working days from the applicant receiving of the original response. After that time, the school or Trust is not obliged to respond to the request for a review.

What should the school do if it receives an Internal Review request?

Upon receipt of the request for an Internal Review, an appropriate member of staff should be assigned to handle the complaint.

Where possible, the appointed person should not have had any involvement in the original request and should be more senior than the original responding person.

The reviewing staff member should then examine the original request and the response that was sent, and decide whether the school responded to the request appropriately, according to legislative requirements. The reviewing staff member should also decide whether to uphold or overturn the school's decisions to withhold information.

It is recommended that the school should conduct FOI and EIR Internal Reviews within 20 school days after receipt, and SAR Internal Reviews within one calendar month.

It is recommended that Internal Review in relation to any other data protection concerns should be processed promptly and within one calendar month.

How can an individual request an Internal Review?

When the initial response is issued, the school should provide contact details and information on how to request an Internal Review if dissatisfied. To request that the school conducts an Internal Review, the individual should then contact the school.

When requesting an Internal Review, the applicant should supply (or be asked to supply) the following information:

- their name
- their contact details
- the date or reference number of the original request
- reasons why they are dissatisfied with the response to their request

It is recommended that the school should acknowledge the request for an Internal Review within 5 school days, and advise the applicant of timescales for responding.

If, following the completion of an Internal Review, the applicant remains dissatisfied with the way in which the school has handled the request, then they may appeal to the Information Commissioner's Office (ICO). The school should inform the data subject of this and provide the ICO's contact details when they issue the Internal Review decision.

The ICO is the UK's Freedom of Information and Data Protection Regulator. The contact details are:

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

Email: icocasework@ico.org.uk
Phone: 0303 123 1113
Website: www.ico.org.uk

If the data subject is dissatisfied with the ICO's response to their complaint, then they may be able to take their complaint to the Information Tribunal. The ICO will provide them with details about this when they issue their Decision Notice.

Key points

The school should follow these key principles for conducting Internal Reviews:

- Keep a record of what information has been withheld or disclosed in response to any request, and the reasoning behind it. This can then be used by the person conducting an Internal Review to check the initial response. Veritau's template 'Information Request Tracker' can be used for this. This is also very useful as evidence if you should need to respond to any queries arising from a complaint to the ICO.
- Inform applicants whether it has an Internal Review process in responses to information requests etc. This must explain how requestors can ask for an Internal Review, as well as informing them of their right to complain to the Information Commissioner, should they be unhappy following the review outcome.
- Ensure you can recognise an Internal Review request - the requestor does not have to ask for an Internal Review explicitly. Any complaint about a response relating to data rights or data protection should normally be treated as an Internal Review request.
- Where possible, ensure that the Internal Review is carried out by somebody different to the person who issued the initial response.
- When conducting the Internal Review, the reviewing staff member will consider how the request was handled; whether all the information was identified; and whether exemptions were correctly applied. They may decide to apply different or additional exemptions.
- If you decide to provide the requestor with information which was withheld previously, this information should be issued along with the Internal Review response.
- Record the outcome of the Internal Review. The school or Trust could utilise Veritau's template 'Information Rights Log' for this.

- Use Internal Reviews as a learning process, to identify potential weaknesses in your procedures, processes and decision-making. This can help you improve your responses to data subject requests, where necessary.