

Greater London Authority Internal Review Procedure

Complaints about Information Access and Re-use Requests

Scope of Procedure

This procedure will be used in relation to complaints made to the Greater London Authority (GLA) regarding requests for information made under:

- the **Freedom of Information Act 2000 (FoIA)**;
- the **Environmental Information Regulations 2004 (EIR)**; and
- the **INSPIRE Regulations 2009**.

This procedure will also be adopted for use in relation to complaints regarding requests to re-use information made under:

- the **Re-use of Public Sector Information Regulations 2005** (“the Re-use Regulations”).

Any written expression of dissatisfaction associated with a GLA response to a request handled under the above legislation will be considered a complaint and request for an internal review.

It will be dealt with in accordance with this procedure unless the complainant has made it clear that they are not seeking an internal review.

To request an Internal Review, complainants should reply to the GLA’s email or submit a new email using the GLA’s web form.

Please remember to include the GLA’s case reference for your initial request.

All other complaints to the GLA are handled through another process and should be submitted using the GLA’s web form <https://www.london.gov.uk/contact-us-form>

Timescales for complainants

- FoIA complaints must be sent to the GLA within **two months** of receiving the GLA’s final response.
- EIR complaints must reach the GLA within **40 working days** of receiving the GLA’s final response.

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Timescales for the GLA

- The GLA will aim to acknowledge receipt of complaints under this procedure and inform the complainant of the GLA's target date for providing a response within **five working days**.
- Under the **EIR**, the GLA must carry out an internal review and provide a final response as soon as possible and within **40 working days** of receipt of a complaint.
- Under the **FoIA**, **INSPIRE** and **Re-use Regulations**, the GLA must respond with its decision about a complaint within "a reasonable time". In line with best practice, the GLA defines this as **20 working days** following the date the complaint was received, or 40 working days where there are exceptional circumstances (such as where a complaint is particularly complex or requires a large amount of supporting information to be gathered).

The GLA will make every effort to keep complainants informed of the progress being made in handling their complaint where there is a delay.

Procedure on receipt of a request for review

Information Access complaints received by the GLA will be referred to as an 'Internal Review' and handled by the GLA Information Governance Team.

An Internal Review will be conducted, wherever possible, by someone who was not involved in handling the original request, although it will usually be necessary to consult the original request handler for further information on how the request was dealt with. The reviewer will have an appropriate level of seniority and expertise.

The reviewer will consider any representations made by, and any supporting evidence produced by, the complainant. This will be considered alongside the response the GLA proved in the first instance. As part of the Internal Review, the reviewer will consider:

- the facts surrounding the information request and the general handling of the initial request;
- the circumstances under which decisions were made at the time the request was received;
- the statutory provisions of the applicable legislation and any relevant Codes of Practice;
- any current and applicable guidance from the Information Commissioner's Office and other relevant bodies (for example, The National Archives for re-use requests, and Defra for requests covered by the INSPIRE Regulations); and
- any relevant FoIA/EIR Decision Notices issued by the Information Commissioner and/or any case law from the Information Rights Tribunal.

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Following the review, the GLA will write to the complainant setting out its decision and the reasons for the decision made. This should provide an opportunity for the GLA to help clarify the initial decision, provide any additional advice and assistance to the applicant, and, in the appropriate circumstance, to revisit whether or not any additional information can be provided

Reviewing a complaint provides the GLA with the opportunity to learn lessons from the manner in which it considers information access or re-use requests. Where appropriate, the reviewer will recommend corrective actions to improve the GLA's compliance with information access and re-use legislation.

An audit trail of the review process and its findings will be kept by the Information Governance Team, for use in the eventuality of an investigation by the Information Commissioner or other regulatory body.

External complaints

If the complainant remains dissatisfied following the outcome of the internal review:

- Under the FOIA, EIR or regulation 9 of the INSPIRE Regulations (if the complaint relates to restricting public access to data), they can take their complaint to the Information Commissioner for further investigation.

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

Telephone: 01625 545745

<http://www.ico.org.uk/>

- Under the Re-use Regulations, they can refer their complaint to the Office of Public Sector Information (OPSI), part of The National Archives.

Office of Public Sector Information
The National Archives
Kew
Richmond
Surrey TW9 4DU

Telephone: 020 8876 3444

<http://www.nationalarchives.gov.uk/contact/contactform.asp?id=8>