

**Sevenoaks District Council
Data Protection Act 1998
Freedom of Information Act 2000
Environmental Information Regulations 2004**

REVIEW PROCEDURE

This document sets out our procedure for handling requests for review under the above legislation.

The procedure set out in this document applies to:

- any written communication from a person who is dissatisfied about the way their request for information was handled or who is seeking a review of a decision not to release information to them
- any written communication from a person who considers that the Council is not complying with its publication scheme under the Freedom of Information Act

Introduction

We hope that most of the requests we handle will be dealt with to the satisfaction of the applicant and that the explanations for our decisions will be clear. However, we recognise that there will be cases where individuals are dissatisfied with the way their request has been handled, or otherwise with the outcome of the consideration of their request. We will investigate any requests for a review rigorously and make every effort to resolve them as soon as possible.

1. Resolving request for a review informally

In the first instance, you are encouraged to raise any concerns about the way your request for information is being dealt with informally with the member of staff dealing with it. Staff will try to resolve the matter quickly, taking advice from managers or from an expert where necessary.

2. Formal Review Request

Where it has not been possible to resolve the matter informally, you may decide to lodge a formal request for a review. Requests for a review should be submitted in writing by e-mailing or by sending a letter to the appropriate contact below:

FOI/EIR Reviews

The Head of Legal & Democratic Services
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent TN13 1HG
legal@sevenoaks.gov.uk

Data Protection Reviews

The Data Protection Officer
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent TN13 1HG
data.protection@sevenoaks.gov.uk

Please supply the following information with your request for a review:

- your name and address;
- details of the original request made by you i.e. when you submitted it, the specific information sought, to whom the request was sent, reference no. etc. If possible please send a copy of the original request; and
- the reason for your dissatisfaction/ request for review together with any supporting evidence

We will treat any communication by fax, email or other electronic means as a written communication. Telephone requests will not be accepted.

The request for a review should be submitted within 2 months of the date on which you received a response from the Council to your original request for information or the date by which you should have received a response under the Act or regulations (whichever is later).

The Council may consider a request of a review received after the above timescale at its discretion.

What happens next?

Upon receipt of your written communication we will acknowledge receipt within two working days and advise you of our target date for responding to your request for a review. Normally you should expect to receive a determination within 20 working days after receipt of your written communication. If it becomes apparent that the review will take longer to determine (for example, because of the complexity of the case) then we will inform you and explain the reasons for the longer time scale.

The Review Co-ordinator will allocate your communication to a review officer. In all cases the review officer will be different to the person who made the original decision.

Wherever reasonably practicable, the review officer will be senior to the officer who made the original decision.

The review officer will undertake a full and thorough review of the decision, taking into account all relevant matters. He or she may confirm, reverse or revise the original decision.

The review officer will notify you in writing of the outcome of the review process and give reasons for his/her decision. Where the decision is that some or all of the information requested should now be released the review officer will request the relevant department to supply the information to you directly, and will give you an indication of when you should expect to receive this information.

What can I do if I am dissatisfied with the decision of the review officer?

If, following the review, you are still unhappy with the decision of the Council, you have a right to ask the Information Commissioner to look at your case. The Commissioner may be contacted at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

www.ico.org.uk

Data Protection

In order to comply with the Data Protection Act 1998, we would advise you that in order for us to process your complaint, your name and address, together with brief details of the issue(s) you have raised, will be recorded by our Review Co-ordinator. Your personal details will not be passed to any parties other than the Sevenoaks District Council staff responsible for dealing with such complaints.