

## ST ALBANS CITY AND DISTRICT COUNCIL

### Procedure on Internal Review for Freedom of Information 2000 and Environmental Information Regulations 2004 requests

#### Legal requirements in relation to internal reviews/appeals

When a person makes a request under the Freedom of Information Act 2000 (FOIA), or Environmental Information Regulations 2004 (EIR), they can appeal the decision.

There is no legal requirement under the FOIA for the Council to have a review procedure. However, section 45 of the Code of Practice does recommend that Council's have a review procedure.

The EIR do require a complaints procedure to be in place. In addition they require requesters to be notified of their right to request a review of any refusal by the Council.

The EIR does provide a specific time frame after which it is not necessary to deal with review requests that the Council may receive. The EIR state that an internal review should be requested within 40 working days of the initial response.

Although the FOIA does not require a complaints procedure or specify a timeframe after which it is not necessary to deal with review requests, we intend to use the 40 working day period set out in the EIR.

#### Internal review

Where an individual has made a request under the FOIA or the EIR, they can apply for a review of the decision (including a failure to respond) under the Internal Review Procedure.

The Council's procedure permits one internal review for any response under the FOIA or the EIR. The expectation is that this will be used where the requester considers that the initial response by the relevant officer was not sufficient in that it did not provide a full response to the request, or incorrectly applied an exemption or exception.

Anyone wanting the Council to review our initial FOIA/EIR response must make their request for an internal review within **40 working days** of receiving the decision from the Council.

After this period of time the Council will only review the request if it considers that there are exceptional circumstances for the delay in requesting a review.

The internal review procedure is set out in all our initial response letters (FOIA or EIR).

The initial decision (or failure to respond) will be reviewed by the relevant Head of Service or Strategic Principal Officer. As a matter of good practice, this review will be carried out within 20 working days whenever possible. When this is not possible for EIR internal reviews, the review will be carried out within 40 working days. When this is not possible for FOI internal reviews, the requester will be provided with a timeframe in which he will receive the response.

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