

Requests for information held by the ICO: our review procedure

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Key messages

This procedure covers:

- how to request an internal review of a response to an information request;
- how we conduct an internal review; and
- what happens after an internal review.

Does this procedure apply to you?

This procedure is for people who have received an information request response from us and want to challenge the outcome or handling of it. It explains what to expect when an internal review is requested and the options available should you remain unhappy following a review outcome.

This procedure is not for people wishing to raise general complaints. If you are unhappy about the service you have received, or how we have treated you, that process is outlined in our [service complaint policy](#).

Introduction

This procedure applies to information request responses issued under the Environmental Information Regulations 2004 (EIR) and the Freedom of Information Act 2000 (FOIA).

The EIR is the only legislation that requires a review procedure.

The FOIA does not contain a similar review requirement, but we conduct internal reviews in line with the best practice guidance at section 5 of the [FOIA code of practice](#). Internal reviews are conducted in the same way irrespective of whether a request response was issued under FOIA or EIR.

Request a review

A request for internal review should be submitted to us in writing, within 40 working days of the initial request response being issued. The review process is usually triggered by an expression of dissatisfaction with the outcome of a request. You do not have to ask for an internal review explicitly. However, you should submit any representations that you may have detailing the reasons why you are dissatisfied with our response for the reviewer to consider. We may contact you for clarification if the basis for your internal review request is unclear.

Conducting a review

When a request for internal review is received it will be acknowledged within 5 working days. The target date for response to an internal review is 20 working days after the date of receipt. However, if we require clarification of an internal review request then the timescale to respond does not start until the clarification is received.

If we need more time to complete an internal review, for instance, if it is complex or requires consultation with third parties, the deadline for our response can be extended by an additional 20 working days. If this is necessary, we will write to you and provide you with a reasonable target date for response.

The internal review will be conducted by a reviewer with an appropriate level of seniority and expertise. This will not be the person who took decisions on the original request response.

The reviewer will consider the representations and evidence contained in the request for internal review. The reviewer will carefully examine the original response and decisions taken in relation to the legislation, including whether exemptions have been correctly applied.

We will communicate the internal review outcome to you. It will state whether or not we consider our response complied with the legislation. Depending on the nature of the internal review, this may include consideration of how the request was handled and the initial response, whether the relevant information was identified, and whether we wish to uphold the original exemptions or whether we wish to apply a different, or additional, exemption(s).

If we decide to provide you with information which was withheld previously then we will usually supply it at the same time as the internal review outcome, or notify you when it will be provided. We will also use findings as a result of our internal reviews to help identify where any improvements can be made and implement them where necessary.

After a review

If an internal review outcome fails to resolve matters satisfactorily, you have the right to make a complaint to the Information Commissioner as regulator of FOIA and EIR. This complaint will be handled exactly like a complaint made to the Commissioner about any other public authority. You can find further information about how to [raise a complaint](#) on our website.

Data protection request responses

This procedure does not apply to responses to individual rights requests made under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA).

The UK GDPR and DPA do not require organisations to offer a specific internal review process. However, the ICO's guidance recommends that you should first raise any concerns with the organisation that responded to your request.

When a response has been provided by us under the individual rights provisions of the UK GDPR and DPA, the Information Access Officer should attempt to resolve your concerns in the first instance. This could include answering questions or supplying clarification, to a reasonable extent. Further concerns about a response must be challenged by submitting a complaint to the Information Commissioner as regulator using the [data protection and personal information complaints tool](#).

Version history

Version	Changes made	Date	Made by