

# ***Internal review procedure for Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests***

## **1 Introduction**

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) provide you with the right of access to information held by the Heart of Mercia Multi Academy Trust and its academies.

The Heart of Mercia Multi-Academy Trust (HoM) will make every effort to ensure that requests are answered promptly and professionally. However, if you are not satisfied, you have the right to request a review into the response that you have received regarding your request for information or to complain about our handling of your request.

There is a legal requirement under the EIR for public authorities to have an internal review procedure in place. The Information Commissioner’s Office (ICO) recommends it is good practice for authorities to also have a review process for FOIA requests. HoM has adopted the same procedure for dealing with reviews into, or complaints about, requests dealt with under the FOIA.

In this procedure, ‘complaint’ refers to an expression of dissatisfaction with HoM’s compliance with the above legislation or a request for an internal review of the decision to withhold information in response to a request to access recorded information held by HoM and its academies.

## **2 What can you request a review about?**

<b>Complain about the way we handled your request</b>	<p>Our failure to respond within 20 working days following the date of receipt, excluding any day which is not a school day (equates to a period of 20 school/college days) or 60 working days, whichever is the shorter period; or to explain why longer than this timescale was required.</p> <p>Our failure to provide proper advice and assistance.</p> <p>Our failure to provide information in the requested format.</p> <p>Our failure to properly explain any reasons for refusing the request.</p>
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	If you disagree with our interpretation of your request.
<b>Request an internal review about a decision to</b>	Refuse access to information.  Withhold some or all of the information requested.

### 3 What can't you request a review about?

<b>Not liking the answer you have received – for example, a report shows the academy's expenditure, and you think more / less should have been spent on some items.</b>	If you are unhappy with the implications of the information provided to you, you will need to discuss this with the Principal/Head or Chair of Governors at the appropriate academy of the Trust, or the Chief Executive of the Trust, outside of the FOIA / EIR process.
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### 4 How do I request a review or complain about your handling of my request?

You must put your request for an internal review or complaint about our handling of your request in writing. Please send this to:

Data Protection Officer, Heart of Mercia Multi Academy Trust, Hereford HR1 1LU.

Email: [dpo@heartofmercia.org.uk](mailto:dpo@heartofmercia.org.uk)

Your request should be made within 40 working days after receipt of our response. Unless there are extenuating circumstances, requests made more than 40 working days after the response will not be considered.

Please clearly explain the reasons why you disagree with our response or are dissatisfied with our handling of your request. You may provide supporting evidence if applicable, and any information provided will be used to help assess your request.

### 5 What can I expect?

- Your request for a review of our response, or the handling of it, will be considered free of charge.
- It will be acknowledged promptly and within 5 school/college days of receipt.

- You will be informed of the target date for a response.
- Requests for review of responses to, or the handling of, requests will be dealt with as soon as possible, and in any event, within 20 working days following the date of receipt, excluding any day which is not a school/college day (this effectively equates to a period of 20 school/college days); or 60 working days, whichever is the shorter period, in accordance with the FOI Code of Practice.
- In exceptional circumstances (for example, the review is complex, requires consultation with third parties or the relevant information is of a high volume) it may be necessary to extend the deadline for response. Any extension will be for no more than an additional 20 working days. If this is the case, you will be informed and given an explanation of the delay, and a new deadline will be confirmed.
- In the event that clarification of an internal review, or complaint is required we will seek this from you and the 20-working day response period will not begin until the clarification is received.
- The review of responses to, or the handling of, requests, will be dealt with in a fair and impartial manner. As such the review will be undertaken by a panel of 3 nominated Governors from the academy of the Trust's local governing body, or HoM Trustees, who did not deal with your original request.
- The Governors or Trustees on the reviewing panel will be trained / have an understanding of FOIA and EIR legislation.
- The reviewing panel will make a fresh decision based on all available evidence at the date of your request. As part of this process, the panel may need to consult with the member of staff that provided the information originally.
- The reviewing panel will make a decision about the validity of the exemptions applied, and whether HoM has complied with its statutory duties. The panel will let the requester know, in writing, the outcome of the review, giving a full explanation.

Possible Outcome	Action that will be taken
Information should be disclosed which was previously withheld.	The information in question will be provided as soon as practicable and you will be informed how soon this will be.
Procedures have not been properly followed by HoM.	<p>An apology will be provided.</p> <p>Appropriate steps will be taken to prevent similar errors occurring in future.</p> <p>Any recommendations to improve our internal processes to prevent a future occurrence will be made to the Local Governing Body / academy Principal or Head, or where appropriate the Board of Trustees and Chief Executive.</p>
The initial decision to withhold information is upheld, or otherwise, in the academy's or Trust's favour.	You will be informed of the decision and the reasons for this, and your right to appeal to the ICO.

Please note that abuse of the review procedure, such as repeated requests for review, where there are insufficient grounds, following every request made, may be considered vexatious or unreasonable behaviour.

## 6 What can I do if I am not satisfied with the response?

If your request for a review of our response, or handling of this, is not resolved to your satisfaction, you have the right of appeal to the ICO for a decision. The ICO can be contacted as follows:

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

Website: <https://ico.org.uk/>

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

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