

BRIDGNORTH TOWN COUNCIL  
POLICY  
APPEALS IN RELATION TO  
FREEDOM OF INFORMATION REQUESTS AND SUBJECT ACCESS REQUESTS



Adopted 21 July 2020 (Town Council minute 052/2021 (ii) refers)

Review Date: January 2021

## APPEALS IN RELATION TO FREEDOM OF INFORMATION REQUESTS AND SUBJECT ACCESS REQUESTS

1. The Town Clerk will generally oversee requests as day to day business of the Town Council.
2. Should the person requesting the information not be satisfied with the response from appropriate officers then they should be offered the chance to appeal the decision.
3. Appeals are most likely to arise due to a belief (real or not) that information has not been fully revealed.
4. If a written request to appeal/ review the decision is made the following general process should be followed.
  - a. As soon as practicably possible but within 5 working days, the Mayor, Deputy Mayor, Chair of the Personnel Committee and the Deputy Chair of Personnel Committee are to be notified and sent a copy of the appeal correspondence.
  - b. The Chairman of the Personnel Committee (or the deputy in their absence) should acknowledge the correspondence and that reply should be sent to the appellant the; letter should:
    - i. Acknowledge receipt of the correspondence and advise that a councillor will be appointed to look into the matter.
    - ii. Advise that the Council will look to respond within 20 working days.
  - c. The Chairman of the personnel committee should look to identify a member of the personnel committee to investigate the matter (which might if there are no other reasonable options available be them) and make a recommendation and share that nomination with the Town Mayor and Deputy Mayor. In making the nomination The Chair of the Personnel Committee might wish to consider:
    - i. Whether any councillor might have a real or perceivable interest in the matter.
    - ii. The availability of a councillor to investigate and respond in a timely manner.
    - iii. Any relevant experience a councillor might have with such matters
    - iv. Any reluctance for a councillor to carry out the function.
  - d. The investigating councillor will then need to carry out an investigation in line with the following general guidelines:
    - i. Be provided with all correspondence on the matter e.g. the request, any holding responses and the final response.
    - ii. Familiarise themselves with the current legislation. Advice is available from appropriate Council officers and or the Town Council's HR advisors (currently Shropshire Council).
    - iii. Review the correspondence.
    - iv. Consider whether the matter falls under this policy (it might be a general complaint)
    - v. Have appropriate access to information systems of the Town Council.

- vi. Produce a report that:
1. Identifies the investigation process (what they did and when).
  2. Presents a recommendation to the Chair of the personnel committee (or other suitable councillor where the chair of the personnel committee has written the report) that might seek to come to one of the following conclusions:
    - a. That the matter has been dealt with appropriately by officers and there is no need to take any further action, other than confirm the outcome to the applicant and their right to appeal the decision to the Information Commissioners Office.
    - b. That the matter has identified further information that can and will/ might be released. The report might wish to consider:
      - i. Whether there was a deliberate intention to withhold information.
      - ii. Whether the original query was not particularly clear.
      - iii. Whether the matter was a simple clerical oversight.
      - iv. Whether information that has been withheld was done so reasonably (i.e. in line with ICO guidance / legislation).
      - v. Whether the appeal is actually an extension of the original request and therefore not subject to appeal (i.e. it is a new request).
    - c. That the matter is complex and would require some external / specialist advice before making a judgement.
    - d. That the matter has identified some need to change procedures (e.g. it would be helpful to publish 'xyx' on the website in future.