



Rutland
County Council

Information Governance Internal Review and Complaints Protocol



SUMMARY OF DOCUMENT

The Freedom of Information Act, the General Data Protection Regulation (GDPR) and the Environmental Information Regulations provide you with the right of access to information held by Rutland County Council. You have the right to complain about the response you have received regarding your request for information as well as to complain about other breaches of the above legislations.

In this procedure 'complaint' refers to an expression of dissatisfaction with Rutland County Council's compliance with the above legislation or the request for an internal review of the decision to withhold information in response to a request to access recorded information held by Rutland County Council.

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1.0 HOW TO COMPLAIN

- 1.1 You must put your request for an internal review or complaint in writing to us, please address this to:

In writing: Data Protection Officer
Information Governance
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

Website: <https://www.rutland.gov.uk/my-council/contact-us/>

Email: dataprotection@rutland.gov.uk

Telephone: 01572 758165

You may provide supporting evidence along with your complaint. Any information provided will be used to help assess your complaint. Where appropriate a full re-evaluation of the case will be undertaken, taking into account the matters you have raised.

Complaints or internal reviews should be made no later than 40 working days after receipt of our response or becoming aware of the issue. Unless there are extenuating circumstances, internal reviews or complaints made more than 40 days after the response will not be considered. Internal reviews or complaints made outside this timescale, will be reviewed by the Data Protection Officer for a decision on whether or not the complaint will be investigated.

2.0 WHAT CAN YOU COMPLAIN ABOUT

2.1 Freedom of Information Act and Environmental Information Regulations Internal Reviews:

Internal review about the way the request was handled	<ul style="list-style-type: none"> • Our failure to respond within 20 working days or explain why longer than 20 working days was required • Our failure to provide proper advice and assistance • Our failure to provide information in the requested format • Our failure to properly explain any reasons for refusing the request
Request an internal review about	<ul style="list-style-type: none"> • Our refusal to allow access to information • Our decision to withhold some of the information requested

2.2 Publication Scheme Complaints:

If you have any complaint about the publication scheme, for example, you have requested information from it and have not received what you were expecting, please put your complaint in writing to the above address.

2.3 Data Protection Complaints:

Complain about the way the request was handled	<ul style="list-style-type: none"> • Our failure to respond within 1 calendar month
Request an internal review about	<ul style="list-style-type: none"> • Our refusal to allow access to information • Our decision to withhold some of the information requested
If you feel that a breach of the GDPR has occurred	for example, how your personal data has been used or shared

All complaints will be investigated a manager, with assistance from the Information Governance Team.

3.0 WHAT CAN YOU EXPECT

3.1

- Your complaint will be considered free of charge.
- Your complaint should be acknowledged promptly and within 3 days of receipt.
- You should be informed of the target date for determining the complaint.
- Where it is apparent that determination of the complaint will take longer than the target time (for example because of the complexity of the particular case), you should be informed and provided with an explanation of the reason for the delay.
- You should always be informed of the outcome of your complaint within 40 working days of receipt of the complaint. This is a maximum and the council aims to provide responses within 20 working days.
- If an appeal against the decision to withhold information is upheld you will be provided with a statement of:
 - The failure to comply
 - The action that will be taken in order to comply
 - The period within which that action is to be taken

Possible Outcomes of Complaint	Possible Actions
Information should be disclosed which was previously withheld.	The information in question will be disclosed as soon as practicable and you will be informed how soon this will be.
Procedures have not been properly followed by Rutland County Council staff.	An apology will be provided. Appropriate steps should be taken to prevent similar errors occurring in future.
The initial decision to withhold information is upheld, or is otherwise in Rutland County Council's favour.	You will be informed of the decision and told about your right to apply to the Information Commissioner.

4.0 WHAT CAN YOU DO IF YOU ARE NOT SATISFIED WITH THE RESPONSE TO YOUR COMPLAINT OR INTERNAL REVIEW?

4.1 If your complaint is not resolved to your satisfaction, you have the right of appeal to the Information Commissioner for a decision; please contact them with your complaint:

In writing: The Information Commissioner
Wycliffe House
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk

Email: casework@ico.org.uk

Telephone: 0303 1231113

Please note: Any personal information you provide in relation to this procedure will only be used by Rutland County Council to investigate the internal review or complaint and related purposes. It may be shared with third parties as part of the complaints process, for example the Information Commissioner's Office. Information may also be used in an anonymous form in reports about information compliance. We may also contact you to request feedback on the service you have received; please indicate to us during your contact with us if you are not happy to be contacted for this reason.

**A large print version of this document is
available on request**



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