Internal Review of Information Request Handling Complaints

Nuclear Decommissioning Authority

Doc No. IMPR05

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1.0 Scope

This procedure outlines how internal reviews should be conducted if a complaint is made regarding NDA handling of requests for information. Any complaint received regarding request handling is a potential non-compliance with NDA procedures CSPR01 - Information Request Handling Procedure or IMPR04 – Subject Access Request Procedure. It may also indicate non-compliance with the Freedom of Information Act 2000, Environmental Information Regulations 2004 or Data Protection Act 1998. Any other type of complaint must be dealt with by the NDA Complaints Procedure – CPPR03.

Internal reviews must be a fair and impartial means of reviewing decisions made during the original consideration of whether to release information. As a minimum, all internal reviews must consider the information released against the information requested and make a full review of the papers associated with the original application.

2.0 Responsibilities & Definitions

Quality Manager (QM) – responsible for logging complaints, keeping legally admissible records, correspondence with complainant, drafting internal review reports, ensuring reviews are conducted within defined timescales, collating evidence and recording decisions taken by the panel, notifying NDA's SIRO when complaints are received and deputising for the SIRO when necessary.

Senior Information Risk Owner (SIRO) – responsible for chairing the panel, overseeing the procedure, approval of panel recommendations, and reporting to the Accounting Officer as appropriate.

Internal Reviewers – appointed by the QM to assist with internal reviews on an ad-hoc basis. They must not have been involved in the original decision making or have contributed to the request response which resulted in the complaint under review. They should provide an objective review, based on evidence, of the original decision made.

NDA employees – must cooperate with the review panel and provide evidence as and when required.

3.0 Procedure

- Internal reviews should be scheduled to take no more than 20 working days. However, if extra time is required up to 40 working days is the legal maximum allowed. Applicants should be informed of the expected completion date and of any revisions to the scheduled timescales.

Quality Manager:

- Opens a new file in Livelink in which all correspondence/documentation should be logged
    - Allocates a unique reference number to the review.
- Sends acknowledgment to applicant providing expected completion date.
- Informs the SIRO that a complaint has been received.

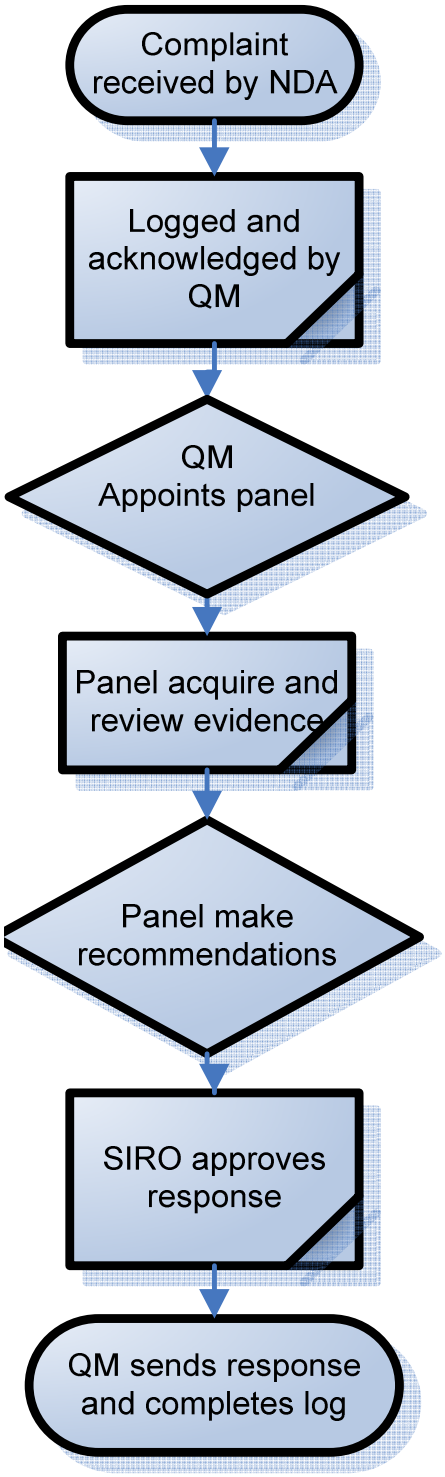
- Appoints other panel members as appropriate to assist in the review in addition to the SIRO and QM. None of the panel should have been involved in the decision regarding the original request.
- Gathers evidence pertinent to the complaint (carries out/requests additional searches as required).
- Keeps notes of panel meetings and writes up the report of the panel findings and drafts the response to the complaint.
- Where the original request is upheld, and the internal review finds in favour of the NDA, makes the applicant aware of their further rights of appeal to the Information Commissioners Office.

The Panel:

- The panel should discuss the decisions made with the staff member, or members, who dealt with the original application in order to build a full picture as to how decisions were made.
- If necessary third parties involved in the original decision should be informed of the review and allowed to comment on any review decision before further information is released.

Senior Information Risk Owner:

- Chairs the review panel and approves decisions and recommendations made,
- If a complaint is received from the Information Commissioners Office the SIRO must ensure the Accounting Officer is informed.


Complaint received by NDA
Logged and acknowledged by QM
QM Appoints panel
Panel acquire and review evidence
Panel make recommendations
SIRO approves response
QM sends response and completes log

4.0 Documentation

- Internal review file kept on Livelink. To include:
  - Original complaint.
  - Internal review report (use template appended to this procedure, Appendix 5.2)
    - Setting out how the review was conducted.
    - Conclusions and actions taken.
    - Any recommendations for improvements.
  - Any material used during the review to inform decision.
  - Response to complainant including any information sent out as a result of the review.

5.0 Appendices

5.1 Checklist

For a review of a refusal the reviewer should have:

A copy of the RFI log (Livelink) detailing correspondence with the applicant, original request and complaint.	
A copy of all the material from the original search carried out to find the information requested and details of the approach used in the search.	
A copy of the refusal notice sent to the applicant.	
A copy of any relevant advice for example legal advice received, or advice from the ICO which has been taken into account.	
Where the refusal was based on a calculation that the cost of meeting the request would be above the appropriate limit, a copy of the supporting calculations.	
A copy of any relevant case decisions - these might be cases which have been to the Commissioner or Tribunal decisions.	
A copy of any report or material which was compiled and used at the time of the original decision, If it is not already obvious from the papers, the name and contact details of the official who made the original decision.	

5.2 Internal Review Report Template

Complaint Number	Complaint Date	FOI/EIR Request No	FOI/EIR Request Date	Review Panel	Report date
Background – include Timeline					
Internal Review - Regime Applied – FOIA, EIR, Exemptions applied, Public Interest Test if applicable					
•					
Findings – Include reconsideration of advice received. (3rd party consultation)					
•					
Conclusion – Does panel uphold the original decision or not and if so why. Are panel releasing further documents and if so why, any recommendations for improvement.					