

SAFE WELL PROSPEROUS CONNECTED

Information Governance Framework

Schedule 06A

Information Complaints Policy

Background Information	
Document Purpose and Subject	To provide a council-wide policy for Information Complaints
Author	Information Governance Team.
Document Owner	Information Governance Team.
Change History	V2.6 - The policy has been updated to make reference to the UK GDPR that applies in the UK from 01 January 2021.
File Location	Information Governance Shared File Storage
Retention Period	Permanent Preservation as a Core Policy.
Issue Date	07 April 2021
Last Review	January 2020
Current Review	January 2021
Next Review Date	March 2022
Approved By	Cabinet Member
Approval Date	23 March 2021

Contents

1.	Introduction.....	4
2.	Scope.....	4
3.	Definition of a Complaint	4
4.	Information Complaints	5
5.	Appeals Against the Outcome of an Information Complaint	6
6.	Persistent and Vexatious Information Complaints	7
	Appendix A – Contact Details	8

1. Introduction

North Lincolnshire Council is committed to delivering excellent customer service and to dealing with information complaints courteously, openly and fairly. Listening to our customers and learning from customer feedback enables the council to improve its services and meet the needs of customers more effectively.

Every care is taken to prevent complaints but if things do go wrong we want to make it as easy as possible for customers to let us know their views, including how to make a complaint.

This policy outlines how we will investigate any information related complaints and the appeal route for any ongoing concerns.

The policy is part of a suite of Information Governance policies and procedures.

2. Scope

This policy applies to all council employees and all individuals or organisations acting on behalf of the council and to any customer of the council, or a person or body acting on behalf of the customer who has a complaint about an information related matter.

In this instance a customer of the council is anyone who: -

- Contacts us to seek information using the Freedom of Information Act (FOIA), the Environmental Information Regulations (EIR) or the UK General Data Protection Regulation (GDPR) / Data Protection Act 2018 processes;
- Contacts to exercise another right under the UK GDPR or to raise a concern in relation to the Data Protection Act 2018;
- Contacts us to report a concern about how personal information is being handled;
- Contacts us to seek permission to re-use our information.

3. Definition of a Complaint

An information complaint is any expression of dissatisfaction about our handling of a request for information, request to re-use information or the standard and quality of service in relation to an information matter that requires a response. An Information Complaint could be referred to as an Internal Review. The response may be to put things right straightaway, or to investigate the matter further.

A complaint could include any of the following concerns:

- we **delay** or **fail to deliver** a request for information or a request to re-use information.
- we **fail to meet** our statutory responsibilities in relation to legislation including the Freedom of Information Act, the Environmental Information Regulations, the UK General Data Protection Regulation / Data Protection Act 2018 for reasons such as:
 - we **apply** an exemption to withhold or release information that the requester of information is not happy about;
 - we **disagree** with the interpretation of a request for information;
 - we **don't** release information that a requester believes we hold;
 - we **lose** personal information or **fail** to take appropriate care to ensure it can only be seen by those authorised to see it;
 - we **fail** to recognise or respond to the an individual's rights under the UK General Data Protection Regulation;
 - we **fail** to comply with organisational requirements under the UK General Data Protection Regulation;
 - We **don't** respond within statutory response deadlines.

A complaint is not:

- a first request for service
- a query about progress of a specific issue.

4. Information Complaints

Informal complaints - can be made in writing but can also be made via the telephone. Where the information complaint is of a general nature we aim to resolve the issue informally. We encourage customers in this first instance to contact the Information Governance Team who will do all they can to put things right. Alternatively the Information Governance Team will discuss the formal Information Complaint process with the customer.

Formal complaints - must be made in writing by using the online form, or by sending an email or by post. If assistance is required to put a complaint into writing the complaint can be made in person via one of our Information, Advice and Guidance Centres. See Appendix A for ways to contact the council.

Where the information complaint is about a perceived breach of the Freedom of Information Act, the UK General Data Protection Regulation / Data Protection Act 2018, the Environmental Information Regulations or Re-use of Information

legislation the complaint will be investigated through our formal procedure. The formal complaint process is a one stage Investigation / Internal Review led by the Information Governance Advisor and Data Protection Officer as a senior individual who did not deal with the initial request for information.

Please note – Environmental Information Regulation complaints must be made within 40 working days of the alleged failure to apply the regulations.

An acknowledgement will be sent to the customer within 5 working days and a response will be sent within 20 working days. The response timescale can be extended to within 40 working days for more in depth investigations. The complainant will be informed about this extension and the reason for it.

Upheld Complaints - Where we have made a mistake or failed to provide the expected standard or quality of service, this will be acknowledged and an apology given and action taken to put things right and improve services will be outlined.

This could include:

- providing previously withheld information;
- permitting the Re-use of information or permitting it with different terms;
- reviewing council Information Governance policies or procedures;
- reviewing how we handle personal information;
- providing appropriate staff training and guidance.

Not Upheld Complaints - Where we have investigated and still uphold the original decision made, we will:

- explain the reasons for our decision clearly;
- provide any relevant evidence to support the decision.
- inform you how to progress your complaint if you remain dissatisfied.

In a small number of instances it may be necessary to classify the Information Complaint as unfounded, where there is insufficient evidence or detail to investigate and/or reach a conclusion.

5. Appeals Against the Outcome of an Information Complaint

Where we have investigated / internally reviewed a complaint about access to information, the handling of personal information or the re-use of information and you remain dissatisfied you have the right to appeal to the Information Commissioner. (See Appendix A for contact details).

6. Persistent and Vexatious Information Complaints

We aim to respond to all information complaints positively, to ensure you are satisfied with the way your complaint has been handled. In a small number of cases individuals may pursue a complaint in an unreasonable way, which impacts, on council resources and capacity to respond to the complaint effectively.

Ways in which an individual may be considered unreasonably persistent or vexatious in pursuing their information complaint include:

- changing the basis of a complaint during the investigation process;
- refusing to co-operate with the complaint investigation process;
- refusing to accept investigation conclusions and decisions;
- repeatedly making the same or similar complaint.

Continuing to respond to these complaints can take up a lot of time and reduce capacity to deal with other matters effectively. Where it is considered an information complaint has become vexatious a decision would be made by the Information Governance Team about whether to investigate the complaint further. Individuals would be informed of any decisions to close a complaint and not enter into any further correspondence on the matter.

Appendix A – Contact Details

North Lincolnshire Council Contact Details

Website - <https://www.northlincs.gov.uk/your-council/information-complaints/>

Email - informationgovernanceteam@northlincs.gov.uk

Telephone - 01724 296224

In Person - By contacting one of our Information, Advice and Guidance Centres.

North Lincolnshire Council Information, Advice and Guidance Centres

Ashby & District - Ashby High Street, Scunthorpe, DN16 2RY

Barton – Baysgarth Leisure Centre, Brigg Road, Barton-upon-Humber, DN18 5DT

Brigg and District - The Angel, Market Place, Brigg, DN20 8LD

Crowle & North Axholme – Crowle Library, 52-54 High Street, Crowle, DN17 4LB

Epworth & South Axholme - Epworth Library, Chapel Street, Epworth, DN9 1HQ

Scunthorpe Central - Scunthorpe Central, Carlton Street, Scunthorpe, DN15 6TX

Winterton & District - Winterton Library, 54 West Street, Winterton, DN15 9QF

How to contact the Information Commissioner

Website - <https://ico.org.uk/global/contact-us/> or

<https://ico.org.uk/make-a-complaint/>

Telephone - 0303 123 1113

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF