

# *Wiltshire County Council*

## **Freedom of Information and Data Protection Complaints Procedure**

- The Freedom of Information Act has been introduced to give the public greater access to information about the way in which organisations are run. The intention is to make public bodies more accountable for the information they hold and store. As the County Council is a public body, as defined by the Freedom of Information Act, it has a duty to provide information when the Act comes into force in January 2005.
- Any organisation that records and uses personal information must be open about how they use the information. Under the Data Protection Act 1998, individuals generally have the right to see the information the Council holds about them and have it corrected if it is wrong.
- Under the Freedom of Information Act the public are entitled to information that is not exempt.

### **Standard of Service**

All statements of dissatisfaction about our service should be taken seriously and responded to appropriately. In all cases, when dealing with Freedom of Information and/or Data Protection complaints we must do the following:-

- Make it clear to the complainant what we intend to do about their complaint and what the timescales are.
- Confirm discussions and actions in writing.
- Ensure that the complainant's desired outcome is clearly defined.
- Consider the vulnerability/dependency of the complainant. If they are vulnerable or dependent it is very important to ensure that they have appropriate support
- Deal with complaints fairly and consistently, and keep a record of complaints for audit and quality control purposes
- Ensure that the Monitoring Officer is kept informed of the complaints that are received

## **KEY STAGES IN THE COMPLAINTS PROCEDURE**

### **STAGE 1 – Informal Stage**

A complaint made at this stage should be fairly straightforward to resolve. A customer may wish to raise an issue or concern they have with the information they have received. They may have been expecting something in addition to what they have received or may be unsure of the timescales involved in sending the information and were expecting it to arrive sooner.

In these cases the Information Officer dealing with the case is responsible for replying to the customer. They should inform the Corporate Complaints Officer who will input the complaint onto the complaints database. The customer should expect a response within 10 working days.

The Information Officer concerned will make the customer aware of the next stage in the process and copy any correspondence regarding the complaint to the Corporate Complaints Officer.

### **STAGE 2 – Formal Complaint and Internal Review**

If the customer remains dissatisfied with the outcome at Stage 1, they can ask for their complaint to go through an Internal Review.

The Information Officer dealing with the complaint will pass this over to the Corporate Complaints Officer, who has not been involved with the complaint until this point. The Corporate Complaints Officer must write to the customer to advise them what steps are being taken to investigate the complaint.

The Corporate Complaints Officer will conduct an investigation and write a report. The Monitoring Officer and the Corporate Standards Manager will review the report and determine whether the council's original decision/position should be changed in the light of the Complaints Officer's investigation. The Monitoring Officer will write to the customer advising them of the findings of the review within 28 working days of the Stage 2 complaint being received. If there are to be any delays in meeting this deadline, the customer must be informed straight away. When writing with the council's decision, the Monitoring Officer will advise the customer of their right to complain to the Information Commissioner if they are dissatisfied with the council's response.