

How to avoid complaints to the Information Commissioner

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Key elements in process

- Handling the request.
- The response.
- Internal review.
- Communication.

Key issues for success

- The information you hold.
- Knowledge and training.
- A positive approach.
- Good communication.

The Request

- Anticipation : being proactive.
- Publication scheme (s.19).
- Clarifying the request.
- Advice and assistance (s.16).
- Managing expectations.

The Response

- Time limits (s.10).
- Reasoned refusals (s.17).
- Public Interest Test.
- Multiple exemptions.
- Options for review.

Internal Reviews

- S.50(2)(a) and the S.45 Code.
- Anticipation : complaints procedure.
- Who? What? When? Where? How?
- Timescales.
- Outcomes.
- Communicating the outcome.

What makes the difference?

- Good records management.
- Training and briefing.
- A positive approach to disclosure.
- Open and transparent processes.
- Good, effective communication.

Reason for Request.

Pure guess – we cannot ask for reasons!

- Curiosity.
- Commercial reasons.
- Research.
- Existing dispute.
- Public interest.
- Whistle blowing.
- To understand board business.
- Personal data.
- Vexatious requests.

Reason for Refusal

- Personal data about the requester – S.40.
- Already available – S.21.
- Future publication – S.22.
- Commercial - confidentiality – S.43.
- Personal data about other people – 40(2).
- Prejudice to public affairs – S.36.
- Costs implications – likely to exceed £450.
- Legal professional privilege – S.42(1).

Perceived Benefits

- Better records management.
- Accountability.
- Improved relationship with public/ better understanding.
- Improved quality of service/ ensures best practice.
- Consistency in information release.
- Makes us think about what data we hold and why we hold it.

Perceived Disadvantages

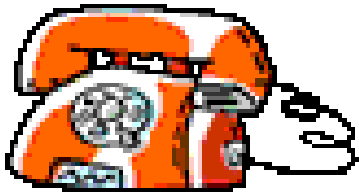
- Increased workload.
- “I don’t have the time.”
- Cost/ no funding from government.
- Staffing/staff resource issues.
- Having to respond to commercial/ research/ media requests.
- Inappropriate / trivial requests.
- Malicious/ vexatious requests.
- Lack of public understanding/unrealistic expectations.

The Challenges

- Effective Records Management.
- Adopting a Publication Scheme.
- Resources.
- Vexatious requests.
- Commercial interests of requesters.
- Repeat requests – time wasting.
- Applying the exemptions.!

You are not alone.....

- For advice contact:
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