

# Procedure for internal reviews under the Data Protection Act 1998 and Freedom of Information Act 2000

## Overview

1. As a public authority, the Independent Parliamentary Standards Authority (IPSA) is subject to the Freedom of Information Act 2000 (FOIA). Under the FOIA anyone has the right to request information that we hold.
2. The Data Protection Act 1998 (DPA) gives individuals a right of access to any personal data which organisations (such as IPSA) hold about them. Requests for access to personal data are known as subject access requests.
3. Freedom of Information and subject access requests made to IPSA are handled by IPSA's Policy and Communications team.
4. This procedure is intended to outline the process through which complaints about the handling of such requests are to be addressed.

## Requesting an internal review

5. If you are unhappy with the handling of a request made under the FOIA or DPA you should contact us within two months of the date of our final response. This could be because:
  - an exemption was applied, meaning the request (or a part of it) was denied;
  - the statutory deadline was not met (20 working days under the FOIA or 40 calendar days under the DPA);
  - a full response was not provided; or
  - the request was otherwise not handled correctly.

6. You can contact us at the following addresses:

IPSA Freedom of Information  
4<sup>th</sup> Floor  
30 Millbank  
London  
SW1P 4DU

Or via email at: [FOI@theipsa.org.uk](mailto:FOI@theipsa.org.uk).

7. In the first instance, an attempt will be made to respond to your complaint(s) swiftly and informally. If you remain dissatisfied with the initial response, a full internal review can be carried out. You need not state your reasons for requesting an internal review, but it can help us to ensure your concerns are fully addressed if you do.

## Timeframe

8. Unlike requests made under the FOIA or DPA, there is no statutory time frame for carrying out internal reviews, but we aim to provide a full response within 40 working days. In acknowledging any request for an internal review, we will inform you of the date by which you should expect a response.
9. If it is not possible for us to reach a decision within 40 working days, we will write to you again to keep you informed of our progress.

## Procedure

10. The FOIA Code of Practice<sup>1</sup> states that reviews should be undertaken by someone senior to the person who took the original decision, where this is reasonably practicable. In any case, the review will be undertaken by someone not involved in the original handling of the request.
11. The individual allocated to conduct the review will undertake a full re-evaluation of the case, taking into account the matters raised by the investigation of the complaint.
12. As part of the review, the internal reviewer will consider whether:
  - the response provided was handled correctly under the terms of the FOIA or DPA;
  - there have been any developments since the original response;
  - the information contained within the response was correct and true, as of the date of responding;
  - any further information should be provided; and/or
  - there are any lessons for handling requests in the future.
13. Once the review has been carried out, you will be notified in writing whether the original decision has been upheld (or otherwise), alongside the conclusions informing the decision.

## Complaining to the Information Commissioner

14. If you remain dissatisfied after an internal review decision, you can complain to the Information Commissioner's Office. Under the FOIA, this is a statutory right (see Section 50 of the FOIA). Please note, however, an internal review must ordinarily have been conducted in full before the Information Commissioner will consider any complaint.
15. You can find out more about the ICO, including their responsibilities with regards to the FOIA and DPA, at the website: <http://www.ico.gov.uk/>.
16. You may contact the Information Commissioner's Office at the following address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

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<sup>1</sup> The Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act (FOIA) 2000