

Internal Review Process for Information Rights

An internal review must be treated as a formal complaint into how the information request was handled in the first place. The need for internal review arises when a request has been:

- denied
- partially denied, or
- if the complainant is otherwise unhappy with the initial response request

Step 1 – Informal Discussions

Where practical, the Trust will try to resolve complainant's concerns informally by:

- explaining in more detail the grounds for refusal to disclose/rectify or erase any or all of the information requested.
- clarifying the exemption(s) being relied on.
- If it isn't possible to resolve the complaint informally, the Trust will notify the complainant of their right to begin the internal review process.

Step 2 – Disclosure Team to Panel following a Trigger

- Once a request of an internal review is received, this will be alerted to DPO@birminghamchildrenstrust.co.uk and sent to a 2 member panel for review.
- The Disclosure Team must ensure that the request clearly identifies which part of the initial decision the requestor does not agree with.
- The following documents should be sent alongside an invite.
 - o The original request
 - o The decision made on the original request include why was the decision made.
 - o The response sent
 - o What the review the data subject has requested/challenged

Step 3 – Panel

The panel will go through the request and determine if the request was handled properly and if the initial decision was appropriate. The reviewers will undertake a full re-evaluation of the case, considering the matters raised by the investigation of the complaint.

As part of the review, the reviewer will consider whether:

- the response provided was handled correctly under the terms of the FOI/EIR/SAR
- 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
- there are any lessons for handling requests in the future.

Step 4 - Outcome

Several outcomes as a result of an internal review are possible:

- the original decision is upheld, or
- the original decision is reversed in part or in full, or
- the original decision is modified

The data subject/requestor must be notified of the outcome in writing. The rationale for agreeing or disagreeing with the initial decision must be recorded. The Trust must respond as soon as possible, but certainly within one month.

If the requestor is still unhappy with the way the internal review has been conducted, they can raise a complaint through the ICO.

Who can be a Panel Member for Internal Review

This must be undertaken by two experienced members of staff consisting of a Caldicott Guardian and Data Protection Officer/Grade 6 Officers who are independent of the original decision making.