Douglas

Douglas City Council

Internal Review Procedure for Freedom of Information (FOI)

The Freedom of Information (FOI) Act 2015 provides you with the right of access to information held by public authorities, including Douglas City Council. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities, via their Publication Scheme.
- Members of the public are entitled to request recorded information held by public authorities.

The Council makes every effort to ensure that information requests are answered promptly and professionally, and that the Publication Scheme is kept up to date. If you are not satisfied with the way your request for information has been handled under the FOI, you can request a review using the Internal Review Procedure.

The Freedom of Information Code of Practice recommends that public authorities have a procedure in place for dealing with disputes about FOI requests and consequently Douglas City Council has adopted the same procedure for dealing with reviews or complaints about requests dealt with under the FOI Act. This procedure also applies to complaints concerning the Publication Scheme.

The FOI Act provides you with the right of access to information held by Douglas City Council. We will make every effort to ensure that valid requests are answered promptly and professionally. However, if you are not satisfied, you have the right to request a review of the response that you have received regarding your request for information or to complain about our handling of your request.

In this procedure, 'complaint' refers to an expression of dissatisfaction with Douglas City Council's compliance with the above legislation, or a request for an internal review which seeks to challenge the request handling process or the outcome of a request to access recorded information held by the Council.

Advice and informal resolution

All responses to requests for information should include the standard appeals paragraph which advises requestors that if they are dissatisfied with the response they have received or wish to complain about the handling of their request, they should contact the official replying in the first instance.

July 2025
Review Date July 2026

This period of informal resolution is to be encouraged to clarify outstanding points or resolve any misunderstandings at an early stage rather than proceeding directly to a formal review. All officers responding to requests have a duty to provide advice and assistance to the requestor as far as it is reasonably practicable to do so.

Whilst informal resolution should be attempted where appropriate, a requestor has a right at any stage to apply for an internal review.

What can I request a review about?

A request for a review may involve a:

- request for a review of a decision to withhold information
- complaint about the handling of a request for information
- complaint about the Council's publication scheme

An applicant is entitled to complain to the Council if:

- it is believed that the application was not dealt with within the 20-working day time limit
- we have not confirmed whether the information is held
- all the information requested is not received
- a reason for the request being refused is not received
- it is felt that exemptions have been wrongly applied

The Council reserves the right to ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

What can't you request a review about?

Not liking the answer you have received, for example, a report shows that some repairs have been undertaken, but you do not think the work has been completed properly.

If you are unhappy with the implications of the information provided to you, we will put you in direct contact with the department concerned.

Please note that abuse of the review procedure, such as repeated requests for reviews following every request made, may be treated as vexatious and be refused.

How to request a review?

You must put your request for an internal review or complaint about our handling of your request either in writing or using the electronic government portal. Please send this to:

Data Protection Team

Douglas City Council

City Hall

Ridgeway Street

Douglas

Isle of Man

IM99 1AD

Email: dataprotection@douglas.gov.im

Your request should be made within 40 working days of receipt of our response. Unless there are extenuating circumstances, requests made more than 40 days after the response will not be considered.

Please clearly explain the reasons why you disagree with our response or are dissatisfied with our handling of your request. You may provide supporting evidence if applicable, and any information provided will be used to help assess your request.

What happens next?

- It will be acknowledged promptly and within 5 working days of receipt
- Requests for reviews of responses will be dealt with as soon as possible, and in any event, will be dealt with within 20 working days of receipt, in accordance with the Information Commissioner's guidance
- In exceptional circumstances (for example, when it is necessary to reconsider the public interest) it may be necessary to extend the deadline for response by a further 20 working days. If that is the case, you will be informed and given an explanation for the delay, which will not exceed a total of 40 working days
- The review of responses to, or the handling of, requests will be dealt with in a fair and impartial manner. As such the review will be undertaken by a reviewing officer (the reviewer) who will assess the merits of the review request and who did not deal with your original request
- The reviewer will be trained in / understand FOI legislation
- The reviewer will request copies of all material (documents, emails etc.) connected with the processing of the request whether or not it was disclosed in the original response. Other staff may also be involved before reaching a decision
- The reviewer will make a fresh decision based on all available evidence at the date of your request. As part of this process, the reviewer may need to consult with the responding officer and the team(s) that provided the information originally
- The reviewer will decide about the validity of the exemptions applied, and whether the Council has complied with its statutory duties
- The reviewer will let the requester know, in writing, the outcome of the review, giving a full explanation of possible outcomes of the internal review process and action that will be taken

Possible outcomes of the internal review process and action that will be taken:

Possible Outcome	**Action that will be taken:**
Information should be disclosed which was previously withheld.	The information in question will be provided as soon as practicable and you will be informed how soon this will be. An apology will be provided.
Procedures have not been properly followed by the Council.	Appropriate steps will be taken to prevent similar errors occurring in the future. Any recommendations for improving our internal processes to prevent a future occurrence will be made to the Democratic Services Team and/or to the team holding the information.
The initial decision to withhold information is upheld, or otherwise Council's favour.	You will be informed of the decision and the reasons for this and in the informed about your right to apply to complain to the Information Commissioner.

What can you do if you are not satisfied with our response?

If your request for a review of our response, or handling of this, is not resolved to your satisfaction, you have the right to appeal to the Information Commissioner for a decision. Before doing so, you must exhaust this Internal Review Procedure.

The Isle of Man's Information Commissioner's Office can be contacted as follows:

The Information Commissioner

P.O. Box 69

Douglas

Isle of Man

IM99 1EQ

Website: www.inforights.im

Email: ask@inforights.im

Telephone: 01624 693260

Role of the Information Commissioner

After an initial assessment of the complaint the Information Commissioner may attempt to settle the matter informally by contacting both parties to provide their views on how the dispute can be resolved without going through the full appeal process. If the Information Commissioner elects to undertake a full investigation, they can decide either that the Council has complied with the Act or that further action is necessary to comply. The nature of this action (e.g., to provide information previously withheld) will be set out in a Decision Notice or an Enforcement Notice. These notices are binding on the public authority although you and the Council can appeal the Information Commissioner's decision to The Court Office and thereafter, on a point of law only, to the High Court.

If the Information Commissioner upholds a complaint and decides that the Council must disclose information a Decision Notice will be issued and served on the complainant and the Council. This will specify the information that must be disclosed and the time for doing so. If the Council receives a Decision Notice that over-rules previous action taken by the Council (e.g., to withhold information), we may either comply or we can appeal to:

The Court Office

Isle of Man Courts of Justice

Deemsters Walk

Bucks Road

Douglas

Isle of Man

IM1 3AR