

FREEDOM OF INFORMATION INTERNAL REVIEW PROCEDURE

Overview

1. The Freedom of Information (Jersey) Law 2011 (FOI Law) gives the public rights of access to information held by public authorities.
2. The Code of Practice issued by the Information Commissioner under Article 44 of the FOI Law states that every Scheduled Public Authority must have a procedure in place for dealing with complaints in relation to its handling of requests for information.
3. The process outlined in this document applies to all executive Scheduled Public Authority, i.e. those where the information is held by a Ministerial Department. It may be applied by any other Scheduled Public Authority at their discretion.
4. In this context the terms “procedure for dealing with complaints” and “internal review” are to be treated as one and the same.
5. All applicants will be informed of their right to request a review under this procedure when they are sent a response to a request for information.

Scope

6. If a requester makes a complaint or has a query or expresses concern about a response provided to them, every effort will be made to resolve the matter swiftly and satisfactorily on an informal basis. However, it may not be possible to resolve a matter informally.
7. For in-depth matters concerning the response, especially questions about the judgment applied in responding, for example, the justification for the application of an exemption or the adequacy of searches, these are best considered as an internal review. If this is the case, you will be informed of the same and of your right to begin the internal review process.
8. If a change in the information is required, the matter will be treated as a new request under the FOI Law.

Internal review process

9. If you are not satisfied with the handling of your request for information under the FOI Law, or you believe that the reason which has been given to deny you access to the information was

incorrect, you should explain this as a part of a request for an internal review, including why you consider this to be the case.

10. In considering a request for an internal review, the same vexatiousness test that applies to original responses will be applied to the internal review request.
11. Unless there are exceptional circumstances, internal review requests should be submitted within 20 working days of: either the issue date of the initial response; or the issue date of our response to your informal query, concern, or complaint.
12. An FOI response cannot be subject to more than one internal review, or successive queries constituting more than one internal review request.
13. An internal review request must be made in writing by contacting us either via the
Email:
FOI@gov.je

or write to:
Central Information Governance Office
Government of Jersey
Union Street
St Helier
JE2 3DN
14. The Scheduled Public Authority reserves the right to ask the applicant for clarification of the grounds of their internal review request if the grounds are not clear.
15. All reviews must be completed as soon as possible, and, unless there are exceptional circumstances, within 20 working days of the request for an internal review being received. If at any time it becomes apparent that this target cannot be met, you will be informed and given an explanation for the delay.
16. Your request for an internal review will be issued to a minimum of one official of appropriate seniority who has not been involved in the original decision. As part of their review, they will be expected to understand the reasons behind the original response, impartially determine whether the response should be revised, and how so, considering the request and the information held, any relevant exemptions, or other relevant matters under the Law.
17. The outcome of any such internal review may be that the original decision is: upheld, reversed or modified.
18. The Central Information Governance Office will inform you of the outcome of the internal review in writing providing reasons for the decision.
19. Following the review process any issues which have been raised and any learning and observations will feed into the process. Apologies will be made if and where necessary.

20. If the decision is made that some or all of the information that has been requested should be released, it will be sent out with the decision, if this is not possible you will be notified of when the information will be released.
21. If the original decision is upheld and the Scheduled Public Authority still feels the information is exempt from release, you will be informed of the outcome of the review and the reasoning behind it.
22. You have six weeks from the date of the decision to appeal to the Information Commissioner.
Contact details are below -

The Office of the Jersey Information Commissioner
2nd Floor
5 Castle Street
St Helier
Jersey JE2 3BT [Email: enquiries@jerseyoic.org](mailto:enquiries@jerseyoic.org)