

PROCEDURE FOR COMPLAINTS CONCERNING THE HANDLING OF REQUESTS UNDER THE FREEDOM OF INFORMATION ACT OR THE ENVIRONMENTAL INFORMATION REGULATIONS, AND CONCERNING PUBLICATION SCHEMES

1 Scope of the procedure

In this Procedure, "Freedom of Information Request" should be understood to mean "Freedom of Information Request, or Request under the Environmental Information Regulations", and "the College's obligations under the Freedom of Information Act" to mean "the College's obligations under the Freedom of Information Act or the Environmental Information Regulations".

This procedure is for the use of individuals wishing to complain:

- (a) that the College has not complied, within 20 working days of receipt, with a request which they have made for information about the College's affairs, and has failed to provide adequate justification for this;
- (b) that an aspect of a Publication Scheme published by the College is inappropriate, or that any item specified by the Publication Scheme as "available on request" has not been provided within 5 working days.

This complaints procedure applies only to information which is requested by members of the general public under the Freedom of Information Act or the Environmental Information Regulations. The procedure applies in exactly the same way to all members of the public, and no account will be taken of whether the complainant is also closely associated with the College, for example by being an employee.

In this procedure, "working days" shall have the meaning which it has in Section 10 (6) of the Freedom of Information Act, namely "any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the [1971 c. 80.] Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

The College is required, under the Freedom of Information Act, to publish a main Publication Scheme, and a separate Publication Scheme for any company wholly-owned by the College which may be established. This complaints procedure applies to any Publication Scheme published by the College.

2 How to submit a complaint concerning a Freedom of Information request

- (a) **If the complainant has submitted a Freedom of Information Request, and no response to the request has been received from the College within 20 working days (allowing time for arrival of any postal communications):**

The complainant should write to the Freedom of Information Officer, preferably by email to: foi@gold.ac.uk

or alternatively by letter to:
Freedom of Information Officer
Goldsmiths, University of London
New Cross
London SE14 6NW

enclosing a copy of their original request, showing clearly the date of sending, and the address/person within the College to which the request was addressed.

(b) If the complainant has submitted a Freedom of Information Request and an explicit refusal to comply with the request, signed by a person other than the Freedom of Information Officer or the Registrar and Secretary, has been received, which the complainant believes to be unsatisfactory:

The complainant should write to the Freedom of Information Officer, preferably by email to: foi@gold.ac.uk, or to the postal address under (a) above enclosing:

- a copy of the original request, showing clearly the date of sending, and the address/person within the College to which the request was addressed;
- a copy of the communication(s) issued by the College indicating refusal to comply with the request, and/or the grounds for so doing, showing clearly the date(s) of sending and from whom the communication(s) was received;
- copies of any other relevant correspondence (including dates and correspondents involved);
- a statement indicating why the complainant believes that their request has not been dealt with in accordance with the College's obligations under the Freedom of Information Act.

(c) If the complainant has submitted a Freedom of Information Request and a Refusal Notice, signed by the Freedom of Information Officer or the Registrar and Secretary, has been received, which the complainant believes to be unsatisfactory:

The complainant should send their complaint by letter, addressed to:

PERSONAL AND CONFIDENTIAL
Chair of Council
c/o the Registrar and Secretary
Goldsmiths, University of London
New Cross
London SE14 6NW

and should enclose:

- a copy of the original request, showing clearly the date of sending, and the address/person within the College to which the request was addressed;
- a copy of the Refusal Notice issued by the Freedom of Information Officer or the Registrar and Secretary, showing clearly the date of sending;
- copies of any other relevant correspondence (including dates and correspondents involved);
- a statement indicating why the complainant believes that their request has not been dealt with in accordance with the College's obligations under the Freedom of Information Act.

(d) If the complaint concerning a Freedom of Information request does not fall into any of the three categories above:

The complainant should write by letter addressed to the Chair of Council, at:

PERSONAL AND CONFIDENTIAL
Chair of Council
c/o the Registrar and Secretary
Goldsmiths, University of London
New Cross
London SE14 6NW

and should enclose:

- a copy of their original request, showing clearly the date of sending, and the address/person within the College to which the request was addressed;
- copies of any other relevant correspondence (including a clear indication of dates and correspondents involved);
- a statement indicating why the complainant believes that their request has not been dealt with in accordance with the College's obligations under the Freedom of Information Act.

3 How to submit a complaint concerning the Publication Scheme

The complainant should write to the Freedom of Information Officer, preferably by email to: foi@gold.ac.uk

or alternatively by letter to:
Freedom of Information Officer
Goldsmiths, University of London
New Cross
London SE14 6NW

and should enclose:

- a statement indicating why the complainant believes that a Publication Scheme published by the College does not meet its obligations under the Freedom of Information Act and/or the current Model Publication Scheme published for the higher education sector by the Information Commissioner
and/or
- a copy of any request by the complainant for information stated in the Publication Scheme to be "available on request", to which no response has been received within 5 working days
and
- any other relevant correspondence (including a clear indication of dates and correspondents involved).

4 Action on receiving a Complaint

(a) Action by the Freedom of Information Officer (on receiving a complaint under 2 (a), 2(b) or 3 above)

The Freedom of Information Officer shall acknowledge the complaint, shall then reconsider it as if it were newly submitted and shall as soon as practicable, and normally within no longer than 20 working days either:

- provide the information requested
- or
- provide the complainant a Refusal Notice which complies with the College's obligations under the Freedom of Information Act (including information about right of appeal to the Chair of Council, and then to the Information Commissioner)
- and/or
- take any other action appropriate in respect of the specific complaint, and inform the complainant in outline of the action taken.

The Freedom of Information Officer shall also consider whether the complaint indicates the need for any changes to internal information management arrangements, with the objective of avoiding similar breaches of the College's obligations in future, and shall take action by:

- informing the Registrar and Secretary of any evidence that a particular individual has acted in breach of the Management Framework for Information Law Compliance, or of any other relevant College policy;
- developing appropriate proposals for any necessary changes to formal College policies;
- informing the Registrar and Secretary of any evidence of remedial action needed which has significant resource implications.

(b) Action by the Chair of Council (on receiving a complaint under 2 (c) or (d) above)

The Chair of Council shall acknowledge the complaint, may consult the Freedom of Information Officer and/or the Registrar and Secretary, shall then reconsider it as if it were newly submitted and shall as soon as practicable, and normally within no longer than 20 working days either:

- instruct the Freedom of Information Officer to provide the information requested
- or
- write to the complainant stating that the original Refusal Notice has been upheld, and informing her/him of the further right of appeal to the Information Commissioner
- or
- arrange for some of the information originally refused to be provided, and communicate this to the Freedom of Information Officer and complainant as appropriate.

The Chair of Council will normally obtain legal advice from a solicitor specialising in Freedom of Information, and arrange for any fees invoice to be sent to the Registrar and Secretary for payment from the College's central legal budget.

On closure of the complaint or earlier, the Chair of Council shall deposit with the Registrar and Secretary any written legal Opinion(s) obtained during the case and any correspondence to or from the complainant, and shall provide the Registrar and Secretary and the Warden with a written statement of any need for changes to internal information management arrangements which he/she believes to be necessary on the basis of evidence considered in the case.

Approved by Council

25 March 2010;

amended by Chair's action to apply to the Environmental Information Regulations as well as the Freedom of Information Act, February 2013.