

WELWYN HATFIELD BOROUGH COUNCIL
INFORMATION GOVERNANCE
APPEAL PROCEDURE

Information Request Appeals:

If you are in any way dissatisfied with either the decision made regarding your request and/or the manner in which your request was dealt with, please follow the procedure outlined below. This procedure applies to Freedom of Information requests, Environmental Information Regulation requests and Subject Access Requests.

1. Within 40 working days of the date you receive written notice of the Council's decision on your request for information, please state in writing or by email addressed to the Council's Governance Policy Officer, Welwyn Hatfield Borough Council, Council Offices, The Campus, Welwyn Garden City, Hertfordshire, AL8 6AE (freedom@welhat.gov.uk), the reason why you wish to appeal against or complain about the Council's response explicitly stating that you would like an internal review and what specifically you would like an internal review for. Officers reserve the right to ask for clarification on what you would like to appeal and your position. If clarification is sought by the responsible officers, the deadline for a response, as set out in section 2 and 5, will begin after clarification has been received. If you do not provide the clarification requested within 7 working days, The responsible Officer will close your request for an appeal subject to the responsible Officer's absolute discretion to allow more time; Officers will consider the relevant circumstances to determine whether to extend the deadline. You do not need to provide a detailed explanation for your appeal, only a statement of what you would like to appeal. For example, you may ask for an exemption to be appealed and ask for it to be reviewed again.
2. You will receive acknowledgment of receipt and be informed of further action within 5 working days after receiving your appeal.
3. The Governance Team will initially review your case history and your stated position. If the responsible officer concludes that the complaint is unfounded your request for an appeal will be closed. If the stated reason for the appeal is not based within the relevant legislation, they will provide you with a further 7 working days to amend your stated reason for the appeal. If you do not provide an amended stated reason for the appeal within 7 working days, The responsible Officer will close your request for appeal subject to their absolute discretion to allow more time; Officers will consider the relevant circumstances to determine whether to extend the deadline.
4. Following the responsible officer confirming that the appeal is not unfounded, they will arrange for the appeal to be considered by the Appeals Panel consisting of two senior Officers.
5. The Panel will endeavour to process your appeal as quickly as possible and in any event within 20 working days of the responsible officer being satisfied that the request for appeal meets the criteria set out above. In exceptional circumstances, for example, where third party consultation is needed or the relevant information is of a large quantity, the Council reserves the right to extend our response time to 40 working days. If an extension is required, you will be informed in writing.

6. You will be given written notice of the decision of the Panel, which will set out the reason for its decision.
7. You will also be reminded of your right to appeal to the Information Commissioner if you remain dissatisfied with the outcome. The Information Commissioner is currently John Edwards and their contact details are:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Email: mail@ico.gsi.gov.uk
Website: <https://ico.org.uk/>

8. The Governance Policy Officer will keep a record of all appeals received and their outcome in accordance with the relevant retention periods and will make changes to the way the Council determines and/or deals with requests for information if this becomes necessary as a result of decisions on appeals.

Data Protection Complaints:

Under the Data Use (and Access) Act 2025, you have the right to complain about how your data is being used. The following are examples of what you may complain about:

- Where a response has not been provided for a request to use one of your rights under the UK General Data Protection Regulations or Data Protection Act. (Excluding the right to access. Please see the above procedure for more information.)
- Where the handling of your request to use your rights has not been appropriately processed. (Excluding the right to access. Please see the above procedure for more information.)
- Where you reasonably suspect that the Council has not complied with one of the 7 data protection principles outlined in Article 5(1) of the UK General Data Protection Regulations.

If you would like to raise a complaint, please follow the procedure outlined below.

1. Please state in writing or by email addressed to the Council's Governance Policy Officer, Welwyn Hatfield Borough Council, Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE (dataprotection@welhat.gov.uk), the reason why you wish to raise a complaint and where possible, please provide evidence of why you believe the Council has not appropriately complied with the relevant legislation.
2. Within 5 working days, you will receive an acknowledgement of receipt and be informed of further action.
3. The Governance Team will initially review your case history and your stated position. If the responsible officer concludes that the complaint is unfounded and not based within data protection legislation, they will close the case and inform you of the outcome. They will offer you the opportunity to amend your stated reason for the appeal.
4. Following the responsible officer confirming that the appeal is not unfounded, they will arrange for the appeal to be considered by an Appeals Panel consisting of two senior Officers.
5. The Panel will endeavour to process your appeal as quickly as possible and in any event within 20 working days of receipt of your appeal or following clarification, if required. In exceptional circumstances, for example, where third party consultation is needed or the relevant information is of a large quantity, the Council reserves the right to extend our response time to 60 working days. If an extension is required, you will be informed in writing.
6. You will be given written notice of the decision of the Panel, which will set out the reason for its decision.
7. You will also be reminded of your right to appeal to the Information Commissioner if you remain dissatisfied with the outcome. The Information Commissioner's contact details are:

Information Commissioner's Office,

Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Email: mail@ico.gsi.gov.uk
Website: <https://ico.org.uk/>

8. The Governance Policy Officer will keep a record of all complaints received and their outcome in accordance with the relevant retention periods and will make changes to the way the Council maintains compliance with data protection legislation if this becomes necessary as a result of decisions on appeals.

Re-use of Public Sector Personal Information Appeal:

Under Re-use of Public Sector Information Regulations 2005 (RPSI Regulations 2005) and in line with ICO guidance, you have the right to appeal the outcome of your RPSI request. For further information on RPSI Requests, please refer to the Council's RPSI Policy. If you would like to make an appeal, please follow the procedure below:

- 1) Within 40 working days of receiving the Council's response, please state in writing or by email addressed to the Council's Governance Policy Officer, Welwyn Hatfield Borough Council, Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE (freedom@welhat.gov.uk), the reason why you wish to raise a complaint and where possible, please provide evidence of why you believe the Council has not appropriately complied with the relevant legislation. You do not need to provide a detailed explanation for your appeal, only a statement of what you would like to appeal. For example, you may ask for an licensing condition to be appealed and ask for it to be reviewed again.
- 2) Within 5 working days, you will receive an acknowledgement of receipt and be informed of further action.
- 3) The Governance Policy Officer or an uninvolved Governance Officer will initially review your case history and your stated position. If the responsible officer concludes that the complaint is unfounded and not based within the RPSI Regulations 2005, they will close the case and inform you of the outcome. They will offer you the opportunity to amend your stated reason for the appeal.
- 4) Following the responsible officer confirming that the appeal is not unfounded, they will work in collaboration with the AD (Legal and Governance) to present their recommendations to a member of the Senior Leadership team, who will consider the case and recommendations.
- 5) The Council will endeavour to process your appeal as quickly as possible and in any event within 20 working days of receipt of your appeal or following clarification, if required. In exceptional circumstances, for example, where third party consultation is needed or the relevant information is of a large quantity, the Council reserves the right to extend our response time to 40 working days. If an extension is required, you will be informed in writing.
- 6) You will be given a written decision of the relevant Senior Officer and their reasoning included.
- 7) You will also be reminded of your right to appeal to the Information Commissioner if you remain dissatisfied with the outcome. The Information Commissioner contact details are:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF
Telephone: 0303 123 1113
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Website: <https://ico.org.uk/>

- 8) The Governance Policy Officer will keep a record of all complaints received and their outcome in accordance with the relevant retention periods and will make

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changes to the way the Council determines and/or deals with RPSI requests if this becomes necessary as a result of decisions on appeals.

Next Review Date: April 2028

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