

Freedom of Information Internal Review Process

Overview

1. You have the right to complain to us if your request for information is:
 - denied
 - partially denied, or
 - if you're otherwise unhappy with the response to your request
2. You also have the right to complain to the Information Commissioner's Office (ICO), but you must exhaust our internal review process first.
3. Where practical, we'll try to resolve your concerns informally by:
 - explaining in more detail the grounds for refusal to disclose any or all of the information requested, or
 - clarifying the exemption(s) being relied on
4. If it isn't possible to resolve the complaint informally, we'll notify you of your right to begin the internal review process.
5. If you ask us for an internal review, we'll treat this as a formal complaint subject to the internal review procedure.
6. Several outcomes are possible:
 - the original decision is upheld, or
 - the original decision is reversed in part or in full, or
 - the original decision is modified

Timing

7. You should contact us within 40 days of the date of our 'right to know' decision letter, letting us know you'd like an internal review.

There's no statutory deadline for undertaking internal reviews. Guidance published by the ICO states internal reviews should take no longer than 20 working days. If it isn't possible to reach a decision in that time, we'll let you know. We'll also give you the anticipated timescale for our response.

Internal review

8. Internal reviews are handled by the Information Disclosure Team. They're responsible for reviewing the decision and the material (if held). Other FCA staff may also be involved before reaching a decision.
9. The final decision will be made by:
 - the Internal Reviewer or
 - another senior member of staff not involved in the original decision
10. As part of the process, we'll consider whether:
 - the Freedom of Information Act (FOIA) has been properly applied: whether the information requested genuinely falls within the exemption(s) cited and if any balancing of public interests favours non-disclosure
 - there have been any developments since the original response; this will include any points you made when making your complaint
 - it's possible to provide you with any further information, and
 - there are any lessons for handling future cases
11. We'll tell you if the original decision has changed. We'll either send you the information requested or let you know the date you may expect it.
12. We'll let you know the outcome of the review, explaining it and referring to the relevant exemption(s). We'll also advise you of your right to appeal to the ICO.

Role of the ICO

13. FOIA is enforced by the ICO, an independent authority. The ICO upholds information rights in the public interest.
14. After an internal review, you can make any complaints about the decision to the ICO. It will consider whether:
 - an exemption has been properly applied and if any public interest balancing exercise has been properly carried out
 - the time taken by the public authority to comply was reasonable, and
 - the response complies with statutory requirements
15. The ICO may attempt to settle the matter informally. Both parties will suggest how to resolve the dispute outside the full appeal process. The ICO can decide either that:
 - the FCA has complied with FOIA, or
 - further action is necessary to comply

This will be set out in a Decision Notice or an Enforcement Notice. You can appeal against the ICO's decision, by appealing to the First Tier Tribunal (Information Rights) and then to the Upper Tribunal.

16. If the ICO upholds a complaint and decides the FCA must disclose information, a Decision Notice will be issued and served on the complainant and the FCA. This will specify the information that must be disclosed and the time period for doing so.
17. If we receive a Decision Notice that overrules previous action we've taken, we may either comply or we can appeal to the First Tier Tribunal (Information Rights).