

Requests for internal reviews to the Office for Students

How do I appeal?

Once you receive our response to your request for information, should you wish to appeal it you must do this within 40 working days. We may refuse to accept your appeal if you send it after this date.

You may explain why you are not satisfied with our response, for example: we may have refused to give you some, or all, of the requested information, or you may think we took too long to respond (more than 20 working days under Freedom of Information Act (FOIA) or the Environmental Information Regulations).

Your request for an internal review must be made in writing to us; you can send it by post or email. The address is:

FOIA Appeals
Office for Students
Nicholson House
Lime Kiln Close
Stoke Gifford
BS34 8SR

Email: foi@officeforstudents.org.uk

There are two possible stages to the internal review process:

- An internal review conducted by the OfS
- Secondly, if you are not satisfied with the outcome, an appeal to the ICO.

Stage one: Internal review

A senior member of the OfS will conduct an internal review including:

- reviewing the original request for information
- determining which legislation applies
- considering all the details of the original request and decision
- considering the grounds given for appealing against it.

As part of the review process, the person conducting the review may talk to the staff who dealt with the original request, obtain advice from other sources, including legal advice, and applicable areas of the business and/or contact the requester directly for further details or clarification.

After the review is conducted, decisions on the outcome of the review and approach and content of the response letter will normally be taken by an OfS Director, who was not involved in the original decision. In cases where a director is not available to take part in a review it is envisaged that a senior staff member who has the delegated authority authorised by their director, will take those decisions.

Reserved matters and s.36

For internal reviews involving the potential disclosure of information that would amount to a reserved matter under part 8 of the Scheme of Delegation, any final decision to disclose such information will need to be taken by an authorised person. For the disclosure of information containing material that is critical of an individual or business, the authorised person will normally be the chief executive, or the director of regulation. For the disclosure of any information that constitutes legal advice, the authorised person will normally be the head of legal. See the OfS Scheme of Delegation: <https://www.officeforstudents.org.uk/media/61967279-3461-4576-adda-44febab76f86/scheme-of-delegation-22-september-2020.pdf>

For internal reviews for information withheld under s.36 of the FOIA, the chief executive would normally decide whether or not to withhold information under the exemption (including where they took the original decision that is subject to the review).

What are the potential outcomes of my internal review?

Following the internal review process we will send you a response letter telling you the outcome of the internal review. There are three potential outcomes:

- The original decision is reversed. We will advise you of the result, and what we will do and when; for example, when we will supply the information.
- The original decision is amended. Again, we will inform you about what we plan to do and when.
- The original decision is upheld. In that case, we will give you details of a possible second stage – an appeal to the relevant external body, the Information Commissioner’s Office.

When can I expect a response to my request for an internal review?

We aim to deal with internal reviews within 20 working days. For more complex internal reviews, we may need longer to consider the issues. For example, we may take more time if the review requires consultation with third parties, or where the relevant information is of high volume. We aim to deal with complex reviews within 40 working days.

In the event a clarification of an internal review request is required from you, the normal working day period will not begin until it is received. If we are unable to respond within these timescales, we will write to you explaining why there is a delay and advising when we expect to be able to respond.

Stage two: Appeal to an external body

The Information Commissioner's Office (ICO) oversees the work we do in connection with information rights legislation. Complaints that cannot be resolved by a public sector body's internal complaints procedure may be taken to the ICO.

Before you can appeal to the ICO, you must have been through the first stage of internal review by the OfS.

Appeals to the ICO should be in writing, setting out why you are not satisfied with our response and the outcome of the internal review.

For details of how to appeal to the ICO, see: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>.

To start an appeal to the ICO, go to: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/official-information-concerns-report/>.

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Tel: 0303 123 1113

Website: <https://ico.org.uk>

Last review date: March 2022

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