



The Appeals Process for *the information authority* board

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1. Introduction

This guidance document outlines the process that *the information authority* will follow in the management of appeals against decisions taken at its board. It provides an explanation of the roles and responsibilities of stakeholders, along with the timescales for the process.

2. Grounds for appeal

Appeals against decisions can only be made under the following circumstances:

- a. A key sector target cannot be measured as a result
- b. A key initiative cannot progress as a consequence of the decision
- c. In the event of an ILR or other change request, procedures were not followed correctly during the change request process.
- d. There were procedural irregularities leading up to the decision which could have affected the outcome.
- e. The board did not take into account crucial information e.g. a significant policy change

It is important to note that if a decision of the board is to be challenged, it should normally be done at the next available full board meeting. An appeals panel will only be run in exceptional circumstances (e.g. if the request is time critical) and will always include the chair of the board. In these circumstances an appeals panel will be convened.

3. Process for the appeal

1. The appeal against a decision made by the board must be made in writing to *the information authority* secretariat by the person/team that submitted the original request and must have the support of the appellant's organisation. If the appellant's organisation is represented on *the information authority* board, then the board member must provide explicit support for the appeal.
2. Board decisions will be communicated by telephone and followed up by email within three days of the board meeting
3. *The information authority* should be advised of the intention to appeal within ten working days of the notification of the decision by the secretariat.
4. On receipt of the request for appeal, *the information authority* secretariat will send an acknowledgement to the appellant within two working days.
5. The head of the secretariat (or deputy) will set up an appeals panel if there is a need for a decision in advance of the next board meeting.
6. The appeals panel will normally meet in person rather than via telephone conference.
7. The appeals panel will be made up of at least three *information authority* board members (including the chair of the board) and the appeal will be held within 15 days of receipt of the appeal
8. In the case of an appeal, any supporting documentation will be forwarded to the appeals panel five working days before the panel is due to meet.
9. The appeals panel will meet the individual(s) making the appeal and two members of *the information authority* secretariat will attend in order to record document the discussion and decision(s) made and provide advice if required.

10. The appeal panel will make a decision at the meeting. The chair of the board will have a second or casting vote, and all votes will be made public.
11. The decision will be formalised in writing within ten working days of the appeal panel decision.

4. Roles and Responsibilities

4.1 The Appeals Panel

The appeals panel will consist of at least three *information authority* board members; including the chair of the board and where possible and feasible, a member with specialist knowledge of the area under review and the impact of the appeal, and a member who was not involved in the original decision. The panel will be responsible for:

- Reviewing the appeal submission prior to the appeal
- Hearing the appeal
- Making a final decision
- Formal endorsement of the documented minutes (by email) prior to their circulation to the board for information

4.2 The Appellant

- The appellant(s) will be responsible for the production and submission of the grounds for appeal within seven working days of being informed of the initial decision to reject the change request.
- The appeal documentation must be provided at least five days prior to the appeal taking place.
- The appellant(s) must be able to present their case to the appeals panel and provide clarity on the grounds for appeal.

4.3 The Secretariat

The *information authority* secretariat will be responsible for:

- Operating and documenting the appeals process including keeping the board informed.
- Ensuring the head of the secretariat or deputy is present at the appeals panel.
- Providing resource to record the discussion and agreed decisions and to circulate to the attendees for final approval.
- Circulating the minutes to all *information authority* board members for information.
- Acting upon the decision made and communicating to the wider community.

5. Criteria for assessing the appeal

- Were the procedures, where appropriate, followed correctly?
- Was the original request assessed fairly?
- Has further information become available which would cause the original decision to be questioned?
- Was the decision perverse in any other way?

6. Reaching the decision

- Where the appeal is heard at an *information authority* board meeting, the normal board meeting procedure shall apply

- Where the appeal is heard by an appeals panel, the members of the panel may question the appellants and each other about issues relevant to the appeal
- Where considered necessary, the chair may take the appeal panel into private session which will include the head of *the information authority* but not the appellants.
- If opinion is split after further private discussion, the chair will take a vote in accordance with paragraph 3.9
- The decision will be communicated in accordance with paragraph 3.10