FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

COMPLAINTS AND REQUIREMENT FOR REVIEW

Tayside Assessor

Requests for Information

An applicant may request information from either Tayside Valuation Joint Board or the Assessor. In practical terms it is anticipated that the Assessor's staff are likely to deal with all requests made. The following procedure has been developed to deal with complaints about the way we (Tayside Valuation Joint Board or the Assessor's Department) have handled your request for information.

Tayside Valuation Joint Board also operates a general complaints procedure which is available from our website or on application to the Assessor.

Complaints and Requirement for Review

Should you be dissatisfied with the manner in which your freedom of information request has been dealt with or the decision that has been reached you can complain to the Assessor or require him to review the procedure or decision.

You have 40 working days in which to lodge a complaint or requirement for review. Similar to a request under the Act, a complaint or requirement for review must be in writing, or other permanent form, and give an address for correspondence. If submitting a requirement for review you must describe the original request and explain how you are dissatisfied.

The 40 working days is counted either from:

- the end of the 20 working days in which the request should have been answered - this means that you can apply for a review where we have not responded to the request; or
- the date that you received a response from us, should the response be issued outwith the time limits for making such a response - this means that you still have 40 working days, even if we take longer than it should do to respond.

The Assessor does not have to carry out a review if he has decided that we did not have to answer the request because it was one we have already dealt with (a repeated request) or was a vexatious request. However he cannot ignore the requirement for a review and must write and tell you of his decision. Otherwise he has to review our original actions. He may decide to confirm our original decision or may decide to modify it or provide more information.

He must handle the requirement for a review within 20 working days after he receives the request. Complaints shall also be dealt with within 20 working days.

Whatever he decides to do he must tell you and explain why he has decided to act as he has done. He must also tell you about your rights to complain to the Scottish Information Commissioner.

Scottish Information Commissioner

The Scottish Information Commissioner is an independent public official appointed by the Queen following nomination by the Scottish Parliament. The Commissioner has two main responsibilities.   These are to make sure that people are aware of their right to access information under the Freedom of Information (Scotland) Act, and then, to enforce this right to make sure that people get the information to which they are entitled.

Complaints to the Scottish Information Commissioner

If you are dissatisfied with the outcome of the review carried out by the Assessor consequent to any requirement for review submitted by you, or if he considers that he is not required to carry out a review since the requests are repeated or vexatious, or if he fails to give you notice of his decision after review, you can make an application for decision to the Commissioner.   However you must have used the review procedure first and, either be dissatisfied with the response, or have had no response, before you can make such an application.

You have 6 months after you receive, or should have received, the Assessor's decision following the review in which to make an application to the Commissioner. The Commissioner can deal with complaints lodged outside that period if he chooses to do so. You should describe:

- the request for information that was made and what is to be reviewed by the Commissioner;
- the reason for being dissatisfied with the response received from the Assessor;
- the reason for being dissatisfied with the outcome of the review or the Assessor's failure to conduct a review.

The Commissioner may decide not to proceed on the grounds that the request to him is frivolous or vexatious.   Additionally, should you change your mind and decide not to proceed, you can withdraw the complaint at any time.   If he does not proceed to make a decision then he must tell both parties and explain why he is not making a decision in the case.

If the Commissioner decides to handle the application he must notify the Assessor about it and invite his comments.   He may try to resolve the complaint between the parties but if he is not able to achieve this he must make a decision on the case and notify both sides.   Formal notification of the Commissioner's opinion will be issued by way of a decision notice.   He generally has four months from the time he received the complaint to do this.

Decision Notices

The Commissioner may decide that we did not have to provide the information requested or that we should have done so or should have handled the application differently. If he decides that the complaint was justified the decision notice must say:

- how we have failed in our obligations under the Act;
- what we must do to set that right;
- the length of time allowed to do so; and
- our rights to appeal to the Court of Session against the ruling on a point of law.

If the notice finds in our favour, then you have a right of appeal to the Court of Session, again on a point of law.

Review Procedure

An applicant may submit a complaint or requirement for review to the Assessor at the address set out below:-

Assessor for Tayside Valuation Joint Board
Floor 6
Nethergate Centre
35 Yeaman Shore
DUNDEE
DD1 4BU

Tel: 01382 221177
Fax: 01382 315600
e-mail: dundee@tayside-vjb.gov.uk

Further Information

More advice and guidance is available from the Office of the Scottish Information Commissioner at:-

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
ST ANDREWS
Fife
KY16 9DS

Tel: 01334 464610
Fax: 01334 464611
e-mail: enquiries@itspublicknowledge.info
website: itspublicnowledge.info