

Freedom of Information Act 2000 (Section 50)

Environmental Information Regulations 2004

Decision Notice

Date 3 January 2007

Public Authority: Wokingham District Council
Address: PO Box 150
Shute End
Wokingham
Berkshire
RG40 1WQ

Summary

The complainant made fifteen requests for information to the Council over a period of three months. The complainant requested information concerning a planning application submitted by his neighbour, subsequent complaints he had made about the matter, and other related information. Some of the requests were for information which falls within the definition of environmental information as set out in the Environmental Information Regulations 2004, and other requests were made under the Freedom of Information Act 2000. The Council claimed to have provided all relevant, recorded information it held to the complainant. The Commissioner has investigated and is satisfied that all the requested information held by the Council in recorded form has now been provided to the complainant. The Commissioner does not require the Council to take any further action.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act") or Parts I and II of the Environmental Information Regulations (the "EIR"). The EIR were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Commissioner. In effect, the enforcement provisions of Part 4 of the Act are imported into the EIR. This Notice sets out the Commissioner's decision.

The Request

2. The complainant submitted fifteen requests for information to Wokingham District Council (“the Council”) over a period of three months. Seven of these requests were made under the Act and eight were made under the EIR. The Council did not make a distinction between requests made under the Act and those made under the EIR, as it claims to have provided all relevant information it holds to the complainant.
3. Appendix 1 contains a full list of all the complainant’s requests for information. The requests are referred to throughout this Decision Notice using the numbering as in Appendix 1.

Freedom of Information Act 2000 requests

4. Request 1 was made on 5 September 2005 and concerned information relating to complaints made to the Council by the complainant. The Council wrote to the complainant on 27 September 2005 and provided information in response to the request. The complainant wrote back to the Council on 18 October 2005 and suggested that the Council had not provided all of the information it held in relation to this request. This letter constitutes a request for internal review of the original handling of the request. The Council wrote back to the complainant on 2 November 2005 and stated that he had been provided with all of the correspondence that was “available to copy”. In its letter of 2 November 2005 the Council advised the complainant to contact the Commissioner if he remained dissatisfied with the responses provided to him.
5. Request 2 was made on 5 September 2005. The complainant requested information about how the Council investigated complaints made to it. The Council responded to the complainant on 27 September 2005 and supplied the Council’s complaints handling policy for 2005. The complainant wrote back to the Council on 18 September 2005 and stated that he had wished to be supplied with the Council’s complaints handling policy for 2004. The Council supplied this information under covering letter of 2 November 2005. Paragraph 4 explains the significance of these letters in further detail.
6. Request 3 was made on 5 September 2005. The complainant requested information concerning any policy held by the Council detailing how to conduct meetings with members of the public with whom they do not feel safe. The Council responded on 27 September 2005 and provided its corporate guidance on dealing with difficult customers, as applicable in 2005. The complainant wrote back to the Council and stated that he had wished to be provided with the Council’s policy as was applicable in 2004. The Council responded on 2 November 2005 and supplied its 2004 policy. Paragraph 4 explains the significance of these letters in further detail.
7. Request 11 was made on 5 September 2005. The complainant requested information concerning the Council’s guidance on handling objections made to planning proposals. The Council responded on 27 September 2005. The

complainant did not raise request 11 with the Council when asking for internal review of the handling of his requests to be carried out.

8. Request 13 was made on 5 September 2005. The complainant requested details of a telephone conversation between a member of the Council's staff and the Local Government Ombudsman ("LGO"). The complainant reminded the Council that no response had been received to this request in his letter of 18 October 2006. The Council responded on 3 November 2005. The complainant replied on 10 November 2005, as he was dissatisfied with the information that had been provided. This letter constituted a request for internal review of the original handling of the request. The Council responded on 15 November 2005, and stated that it would not correspond with the complainant further.
9. Request 14 was made on 18 October 2005 and is linked to request 15. The complainant requested a copy of a form he assumed a member of the Council's staff had completed following a meeting with him. The Council responded on 2 November and stated that the information was not held, as such a form had not been completed.
10. Request 15 was made on 10 November 2005. The complainant requested information about allegations of aggressive behaviour on his part, following a meeting with a council officer. The Council responded on 15 November 2006 and stated that no further correspondence would be entered into with the complainant.

Environmental Information Regulations 2004 requests

11. Requests 4 and 5 were made on 5 September 2005. The complainant requested information concerning planning applications. The Council responded to the complainant on 27 September 2005 and provided reference numbers for the relevant files and details of how to access these files on the internet. The complainant was not satisfied with the information provided and so wrote back to the Council on 18 October 2005. The Council wrote to the complainant on 2 November 2005 and provided information. Paragraph 4 explains the significance of these letters in further detail. The complainant wrote again to the Council on 10 November 2005 and stated "you have not understood my request".
12. Request 6 was made on 5 September 2005. The request was for information concerning site visits made to the complainant's neighbour's property. The Council responded on 27 September 2005 and provided information. The complainant wrote back to the Council on 18 October 2005 and restated his request. The Council wrote to the complainant on 2 November 2005 and stated that all of the relevant information it held had been provided to him. Paragraph 4 explains the significance of these letters in further detail.
13. Request 7 was made on 5 September 2005 and concerned a planning definition used by the Council. The Council responded on 27 September 2005 and provided information. The complainant wrote back to the Council on 18 October 2005 and expressed his dissatisfaction at the information that was provided. This letter constituted a request for internal review. The Council wrote to the

- complainant on 2 November 2005 and provided further information. Paragraph 4 explains the significance of these letters in further detail.
14. Request 8 was made on 5 September 2005. The request was for information that related to the definition described in request 7. The request was reiterated by the complainant on 18 October 2005. The Council responded on 2 November 2005 and stated that it did not hold information in relation to this request. Paragraph 4 explains the significance of these letters in further detail.
 15. Request 9 was made on 5 September 2005. The complainant wished to be supplied with information concerning conversations that were held about a proposed property alteration, prior to planning permission being granted. The Council wrote to the complainant on 27 September 2005 and enclosed correspondence. The complainant was not satisfied with the information that was provided and so wrote back to the Council on 18 October 2005. The Council confirmed by letter of 2 November 2005 that no further information was held. Paragraph 4 explains the significance of these letters in further detail. The complainant remained dissatisfied with this response and so wrote again to the Council on 10 November 2005.
 16. Request 10 was made on 5 September 2005 and concerned a plan the complainant believed had been submitted with a planning application in October 2004. The Council responded on 27 September 2005 and included a plan. The complainant queried whether the correct information had been provided in his letter to the Council of 18 October 2005. The Council responded on 2 November 2005 and provided information. Paragraph 4 explains the significance of these letters in further detail. The complainant remained dissatisfied with the Council's response and therefore wrote back to the Council on 10 November 2005.
 17. Request 12 was made on 5 September 2005 and concerned correspondence between the Council and Earley Town Council on the planning application in question. The Council provided information on 27 September 2005. The complainant did not make reference to this request in his subsequent letter to the Council, in which he requested internal review.

The Investigation

Scope of the case

18. On 23 January 2006 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the alleged failure of the Council to supply him with all relevant information in response to his requests. In addition, it has come to the Commissioner's attention that certain procedural elements of the Act and the EIR may not have been complied with.
19. The Commissioner wrote to the complainant on 26 July 2006 to clarify which requests he would like the Commissioner to investigate. The complainant responded on 3 August 2006 and stated that he was satisfied with the information

that had been provided in response to requests 2, 3, 11 and 12, however that he wished the Commissioner to investigate the Council's handling of the other requests.

20. During the Commissioner's investigation, the complainant stated that he was not satisfied with the Council's response to request 3. As request 3 is linked to requests 14 and 15, the Commissioner considered this request as part of his investigation.
21. Following the Commissioner's investigation, the complainant confirmed that he was satisfied with the information that had been provided by the Council in response to requests 4 and 5 and therefore they are not addressed in this Notice.
22. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act or Parts I and II of the EIR.

Chronology

23. The Commissioner wrote to the Council on 8 August 2006. The Commissioner highlighted to the Council that some of the requests were requests for information under the Act however some were requests for information that fell within the definition of environmental information as set out in regulation 2(1)(c) EIR. The Commissioner set out a number of points requiring action:

In relation to request 1, the Council had stated that it had provided the complainant with all of the information that was available to copy. It had stated that some information was held on the Council's computer system, however that this could not be printed. The Commissioner asked the Council to arrange for this information to be supplied to the complainant.

Further, the Commissioner asked the Council to ensure all other, information relevant to request 1 had been provided to the complainant.

In relation to request 6, the complainant had been concerned that the Council had not provided all of the information it held about site visits. The complainant suspected this because he had initially been provided with one site visit record, however following a complaint to the LGO he was provided with the same site visit record, with additional information on the back. The Commissioner asked the Council to confirm whether there was any further information relevant to the request which could be provided to the complainant, and to explain the discrepancy in the information provided to the complainant and to the LGO. To verify the Council's response, the Commissioner asked to be provided with an explanation as to the number of site visits carried out, and the standard procedure for creating site visit records.

In relation to request 7, the Commissioner asked the Council to confirm whether it held any recorded information which answered the request.

In relation to request 8, the Commissioner asked the Council to confirm whether it held any recorded information which answered the request.

In relation to request 9, the Commissioner asked the Council to confirm whether there was any further information held which answered the request.

In relation to request 10, the Commissioner asked the Council to confirm whether it had sent the complainant a copy of the requested plan. The Commissioner also asked the Council to respond to a number of questions concerning the destruction of such information, if it transpired that the information requested was not held by the Council.

In relation to request 13, the Commissioner asked the Council to confirm whether it held any recorded information which answered the request.

In relation to requests 14 and 15, the Commissioner asked the Council to confirm whether there was any recorded information held which could be provided to the complainant.

24. The Council responded to the Commissioner on 7 September 2005 that:

In relation to request 1, all of the information, including that held on the Council's computer system, had been provided.

In relation to request 6, the Council confirmed that two site visits were carried out, however at the time of the complainant's request only one site visit note had been created. This had been provided to the complainant. A note of the second site visit was created retrospectively, following the complainant's correspondence to the LGO on the planning issue. The Council confirmed that it was not the usual practice to complete a new 'record of site visit' form for each visit; however usually additional notes were added to the original site visit form. In this instance, the second site visit record was added to the back of the form which was completed following the first site visit.

In relation to request 7, the Council confirmed that there was no recorded information held by the Council which defined the term "habitable room".

In relation to request 8, the Council referred the Commissioner to its planning guidelines, which state:

"kitchens may be considered to be habitable rooms depending on their size".

In relation to request 9, the Council confirmed that records of telephone conversations between the planning officer and the designing architect were not made, and that therefore no recorded information was held which could be provided to the complainant.

In relation to request 10, the Council stated that the planning applicant did not supply a drawing dated October 2004 and that there had been no requirement for him to do so. The Council confirmed that it had sent the complainant the only plan it had on its file.

In relation to request 13, the Council confirmed that it did not hold recorded information which answered the complainant's request. The Council explained that it had interviewed the member of staff in question to ascertain what had been discussed.

In relation to requests 14 and 15, the Council confirmed that it had supplied the complainant with a copy of the record of his meeting with the planning officer. The Council stated that no record was made relating to his alleged behaviour during this meeting.

25. The Commissioner wrote to the complainant on 14 September 2006 and set out the explanations that had been provided by the Council in its letter of 7 September 2006, as to why it did not hold any further recorded information. The Commissioner invited the complainant to withdraw his complaint.
26. The complainant responded to the Commissioner on 30 September 2006, and stated that he was not satisfied with the explanations provided by the Council. He drew the Commissioner's attention to the following:

In relation to request 1, the complainant stated he had inspected the planning officer's file at the Council's offices and he believed it contained further information than had been provided to him. The complainant claimed that the file he had seen had been quite full and that a number of drawings had been present in the file which had not been supplied to him in response to his request.

In relation to request 6, the complainant had asked the LGO whether it had asked the Council to create a second site visit record for the purposes of its investigation. The LGO confirmed that it had not. The complainant wished the Council to explain this discrepancy.

In relation to requests 7 and 8, the complainant did not believe that the Council did not hold information on this subject.

In relation to request 10, the complainant provided a letter he had been sent by the Council's Chief Executive which made reference to a drawing submitted in October 2004. The complainant wished the Council to explain this discrepancy.

In relation to requests 3, 14 and 15, the complainant stated that he had been provided with information by the Council which stated it had a policy for recording threatening or violent incidents. The complainant alleged that he had not been provided with details of the Council's policy, nor had he been provided with a record of such an incident.

27. The Commissioner wrote to the Council on 24 October 2006 and, owing to the inconsistencies highlighted by the complainant, asked the Council to undertake a thorough search for information requested by the complainant, particularly in relation to requests 1, 3, 6 - 10, 14 and 15. The Commissioner asked the Council to answer a number of questions relating to creation, retention and disposal of the information requested, if no further information was located following the searches.
28. The Council responded on 7 November 2006:

In relation to request 1, the Council confirmed that the complainant had been provided with all of the information on the planning file and that no information had been destroyed. Further, the Council speculated that the planning file seen by the complainant upon visiting its offices could have appeared more bulky due to the fact that several copies of the same plans are initially placed on the file, however that these are distributed for consultation purposes. The complainant confirmed that copies of all relevant plans are placed on the planning file, and that the complainant had had access to all of the information on this file.

In relation to request 3, the Council provided a copy of its letter to the complainant dated 2 November 2005, which states:

“Procedures for dealing with aggressive clients from 2004 [are] attached”.

In relation to request 6, the Council explained that the LGO did not ask it to create the second site visit note, however that the note had been created after the complaint's request for information was made.

The Council did not provide any additional information in relation to requests 7 and 8.

In relation to request 9, the Council responded:

“...Planning Officers do not as a matter of course keep notes of telephone conversations. Therefore no records of any conversations ever existed...”

In relation to request 10, the Council reiterated its earlier statement that all the relevant plans had been provided to the complainant. It stated that, despite the Chief Executive's assertion, no plans had been submitted in October 2004. The Council suggested that confusion sometimes arose as the dates stated on the plans do not match the date at which they are submitted. For example, in this instance, the plans are dated October 2004, however they were not submitted until May 2005.

In relation to requests 14 and 15, the Council explained that the officer who met with the complainant had not been made aware of the need to complete a SR1 (Incident at work) form and so did not complete such a

form following the alleged incident. Further, copies of the Council's policies regarding handling such incidents ('Dealing with Aggressive Clients' and 'Handling Angry Customers') do not explicitly state that a SR1 form should be completed.

29. The Commissioner wrote back to the Council on 21 November 2006 as he was not satisfied that all of the questions posed in his letter of 24 October 2006 had been answered fully.
30. The Council telephoned the Commissioner on 22 November 2006 to discuss his letter of 21 November 2006. The Commissioner and the Council discussed each of the requests for which the Commissioner required clarification.

In relation to request 1, the Commissioner had asked the Council to detail the search it had undertaken to be assured that no further information was held which could be provided to the complainant. The Council stated that all the information relating to a planning application is placed on a single file and therefore if the information does not appear on the file it is not held by the Council.

In relation to request 6, the Council explained that the LGO had not asked the Council to create a second site visit record; it had asked for further clarification on the planning issue and in order to provide this clarification the Council had chosen to create a second site visit record. The Council confirmed that only two site visit records were created (the second on the back of the first) and that this information was placed on the planning file. The Council stated it was certain that no further information existed in recorded form as there was nothing further on the planning file.

In relation to requests 7 and 8, the Council explained that 'habitable' was a working definition used by planning officers and that it was not held in recorded form by the Council. The Council further explained that the term had developed through planning practice, and that there was no statutory definition.

In relation to request 10, the Council again confirmed that the complainant had been supplied with all relevant plans; as all the plans on the planning file had been provided to him.

Analysis

Procedural matters

Freedom of Information Act 2000

31. The complainant has alleged that the Council has failed to provide him with recorded information it holds in response to his requests under the Act.

32. The Commissioner has considered the extent to which the Council has complied with section 1(1) of the Act.
Section 1(1) states:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds the information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him”.
33. The Council has stated that it provided the majority of relevant information it held to the complainant prior to the complaint to the ICO being made. Following the Commissioner’s intervention, the Council disclosed some further information in response to request 1. The complainant remains dissatisfied with the information provided and believes that further information is held by the Council which has not been provided. The Council has explained to the Commissioner why further recorded information is not held.
34. The Commissioner has considered all of the evidence that has been submitted to him, and the explanations provided by the Council as to why it does not hold further information. The Commissioner is satisfied with these explanations, as there is no evidence to suggest any further recorded information is held.
35. The Commissioner has considered whether the Council has complied with section 10 of the Act.

Section 10(1) states:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

36. The complainant made request 13 on 5 September 2005 however the Council did not respond until 3 November 2005.

Environmental Information Regulations 2004

37. The complainant has alleged that the Council has failed to provide him with recorded information it holds in response to his requests under the EIR.
38. The Commissioner has considered the extent to which the Council has complied with regulation 5 EIR.

Regulation 5(1) states:

“...a public authority that holds environmental information shall make it available on request”.

39. The Council has stated that it provided the complainant with all of the relevant information it holds prior to the complaint to the ICO being made. The Commissioner's investigation sought to establish whether there was any further information held by the Council to which the complainant may have been entitled, but the Council adequately has explained to the Commissioner why further recorded information is not held.
40. The Commissioner has considered all of the evidence that has been submitted to him, and the explanations provided by the Council as to why it does not hold further information. The Commissioner is satisfied with these explanations, as there is no evidence to suggest any further recorded information is held.

The Decision

41. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act and the EIR:

In relation to requests 2 – 15, the Council has discharged its duties under section 1(1) of the Act and regulation 5(1).

42. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:

In relation to request 1 the Council initially failed to provide an electronic record of complaints, thus breaching section 1(1) of the Act. This information has since been provided.

In relation to request 13, the Council responded outside the twenty working day period required for a response and therefore section 10 of the Act has been breached.

Steps Required

43. The Commissioner requires no steps to be taken.

Right of Appeal

44. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 3 day of January 2007

Signed

**Richard Thomas
Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Appendix 1

On 5 September 2005 the complainant wrote to the Chief Executive of Wokingham District Council (the Council) and requested the following:

1. "All formal and informal information held in paper format or on computer, relating to all stages of my complaints investigated by [name], [name], [name], [name] and all other staff involved. That will include, for example, all details of [name]'s investigation and his final report to you."
2. "Internal guidance on how complaints should be investigated including the collection and storage of information obtained."
3. "Internal procedures giving guidance to staff on how to proceed with an interview involving a member of the public with whom they do not feel safe."
4. "Copies of the Appraisals and planning officers' names for all single storey side extensions where neighbours' kitchens, with windows opposite, have not been considered habitable and that has been used as the supreme reason for planning approval. Applications over the past three years in the Woodley, Earley and Lower Earley areas apply."
5. "Copies of the Appraisals and planning officers' names for all single storey side extension proposals which have been rejected by your Council over the last three years in the Earley, Lower Earley and Woodley areas."
6. "All papers referring to site visits made to my neighbour at [address] by [name] and [name]. These should include all official reports and any private notes particularly relating to their various conversations with my neighbour."
7. "Your in-house definition of a non-habitable room and its ramifications."
8. "The reference to the source originating the sentence in your planning guide stating, under two storey extensions, a kitchen may be considered habitable etc."
9. "All papers, personal or otherwise, held by [name] recording her conversations or conclusions with the designing architect for the proposed extension before the planning application was officially submitted and up to its approval."
10. "The plan referred to in your letter, page 4, paragraph 3, submitted in October 2004 with the application showing a 25 degree line from my kitchen window drawn in by the applicant and the heights of the existing boundary wall."
11. "Your internal guidance to staff dealing with any objection raised by a member of the public and/or a parish council to a planning proposal."

12. "Any communication between your Council and Earley Town Council on this planning application."
13. "I do require a specific answer from you on whether [name] contacted the Ombudsman's office and, if so, what was said and who he contacted."

The complainant contacted the Council on 18 October 2005 and requested the following information:

14. "Please provide a copy of the SR1 form presumably completed by [name] after my meeting with her and held by corporate Health and Safety."

On 10 November 2005 the complainant wrote to the Council and made a further request for information:

15. "Is there any record of the inferred aggression or violence on my part when meeting [name] either by her, your very aggressive receptionist in that group or any third party?"

Legal Appendix

Freedom of Information Act 2000

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Section 1(2) provides that -

“Subsection (1) has the effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.”

Section 1(3) provides that –

“Where a public authority –

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.”

Section 1(4) provides that –

“The information –

(a) in respect of which the applicant is to be informed under subsection (1)(a), or

(b) which is to be communicated under subsection (1)(b),

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.”

Section 1(5) provides that –

“A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).”

Section 1(6) provides that –

“In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.”

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 10(2) provides that –

“Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.”

Section 10(3) provides that –

“If, and to the extent that –

- (a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
- (b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.”

Section 10(4) provides that –

“The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with the regulations.”

Section 10(5) provides that –

“Regulations under subsection (4) may –

- (a) prescribe different days in relation to different cases, and
- (b) confer a discretion on the Commissioner.”

Section 10(6) provides that –

“In this section –

“the date of receipt” means –

- (a) the day on which the public authority receives the request for information, or
- (b) if later, the day on which it receives the information referred to in section 1(3);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

Environmental Information Regulations 2004

Regulation 5(1) provides that –

“Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request.”

Regulation 5(2) provides that –

“Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.”

Regulation 5(3) provides that –

“To the extent that the information requested includes personal data of which the applicant is the data subject, paragraph (1) shall not apply to those personal data.”

Regulation 5(4) provides that –

“For the purposes of paragraph (1), where the information made available is compiled by or on behalf of the public authority it shall be up to date, accurate and comparable, so far as the public authority reasonably believes.”

Regulation 5(5) provides that –

“Where a public authority makes available information in paragraph (b) of the definition of environmental information, and the applicant so requests, the public authority shall, insofar as it is able to do so, either inform the applicant of the place where information, if available, can be found on the measurement procedures, including methods of analysis, sampling and pre-treatment of samples, used in compiling the information or refer the applicant to a standardised procedure used.”

Regulation 5(6) provides that –

“Any enactment or rule of law that would prevent the disclosure of information in accordance with these Regulations shall not apply.”