

Freedom of Information Act 2000 (Section 50) and the Environmental Information Regulations 2004

Decision Notice

Date: 28 January 2008

Public Authority: Sussex Police ("the public authority")
Address: Malling House
Church Lane
Lewes
East Sussex
TN6 1DH

Summary

The complainant has been in correspondence with Sussex Police for several years in respect of issues he has had concerning his neighbours and their purported criminal acts against him. A large volume of correspondence has been exchanged between the complainant and the public authority and the requests are not concise. The Commissioner contacted the complainant to clarify what information remained outstanding and the following summary was agreed.

- Any crime reports the complainant's neighbours had reported against him [the complainant].
- Any correspondence Sussex Police had had with their Police Authority, Her Majesty's Inspectorate of Constabulary, Police Complaints Authority, Independent Police Complaints Commission, Wealden District Council, a local Solicitors or a Councillor in respect of him.

The Commissioner considers that the requested material is a combination of environmental and non-environmental information. The environmental information should have been considered under the Environmental Information Regulations 2004 (the "EIR") and the non-environmental information under the Freedom of Information Act 2000 (the "Act").

Whilst there are procedural errors, which will be summarised below, the Commissioner considers that sections 40(1) and (5) of the Act and regulation 5(3) of the EIR apply and therefore the complaint is not upheld.

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 Act.

The Environmental Information Regulations (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 Information Commissioner (the "Commissioner"). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.

This decision notice sets out the Commissioner's decision in relation to the information that the complainant has requested which falls under both the Act and the EIR.

Background

2. This case relates to the complainant's issues in respect of a border dispute with his neighbours. In his words:

"... In 1998, malicious neighbours, instigated by Wealden District Council (WDC), seized a small piece of my land and when I sought to retrieve it by Common Law Right of Abatement, they committed a series of criminal acts against me on the pretext that the land was theirs. Sussex Police refused to stop the neighbours' criminal acts on the pretext that I needed to go to Court to have the right to the land determined. Sussex Police never asked to see the Deeds of Title but when I forced them to look at them, they said that land issues are not Police matters - ignoring the criminal acts Sussex Police had encouraged over a 5 years period. I complained of this negligence to the relevant authorities including HMIC, PCA, IPCC and SPA but at each stage, the authorities refused to investigate which was clearly on the basis of the explanations given by Sussex Police, ostensibly false or else it was negligence/complicity. In the event, I won the 4 years' litigation to retrieve my land ... and the Expert Witness asserted that the disputed land had always been included in my Title. A former WDC Councillor was caught by the Judge illegally taping proceedings and she claimed to be liaising with WDC's solicitor and Councillors who, I believe, asked Sussex Police to harass me because I had previously reported WDC to the authorities for possible planning fraud.

I believe that the evidence of Sussex Police corruption lies in its own files which it has refused to disclose. Every time I exercise the provisions of the Freedom of Information Act, Sussex Police takes the maximum 3 months to reply and then does so evasively, such is the concern that I should expose what occurred. This also ensures that the Statute of Limitations is exhausted with regard to legal claims. I have simply asked to see the Police files related to the case and files linked to it but Sussex Police claims this is too vague. I have, therefore, listed correspondence with a range of specific parties such as you quote. This matter simply exposes the inadequacies of the FOI Act!"

The Request

3. Prior to the introduction of the Act, the complainant made various requests for information which were dealt with under the provisions of the Data Protection Act 1998 ("the DPA"). The complainant was not content with the disclosures and on the 9 February 2005 he wrote to the public authority stating that he was:

"requesting full and proper disclosure of all data in any way involving my name ..."

He referred to the FOIA in this correspondence as well as the DPA.

4. The public authority responded saying it had complied with his request for 'personal information' under the terms of the DPA. It did not refer to the Act.
5. On 1 March 2005 the complainant made a further request under both the DPA and the Act. This request included many comments, accusations and questions which were outside of the Commissioner's remit. He again referred to his 'personal information' and complained that:

"[the Information Compliance Manager] refuses to send me any data besides that amounting to documentation of complaints made by myself and already fully known to me.... I cannot see any grounds for you withholding data relating to communications you have conducted with the [his neighbours], WDC, Sussex Police authority, PCA, HMIC, etc which must clearly state my name..."

"I, therefore, request you to ensure that my legitimate claim for reimbursement and compensation is now processed by a competent officer and that full disclosure is now made in accordance with the letter and intent of the Freedom of Information Act."

6. The complainant also wrote to the Commissioner on the 1 March 2005 and stated that the public authority had:

"... refused to release to me data relative to my name as originated by other parties of which I have no certain knowledge but only circumstantial evidence".
7. On 18 March 2005 the Commissioner advised the complainant that Section 7 of the DPA allows a 'data subject' to gain access to a copy of 'personal data' which related to him. He also provided some additional information about material which related to third parties. In the same letter the complainant was told that Section 40 of the Act contained exemptions for personal data of which the applicant is the data subject and also for third party personal data where the provision of that information would contravene any of the data protection principles or a notice issued under Section 10 of the DPA.
8. He was invited to request an assessment under the DPA and also advised to request the public authority undertake a review in respect of his request under the Act.
9. On 30 March 2005 the complainant again wrote to the public authority to complain about the lack of response to his letter of 1 March 2005. In this letter he stated the following:

"With reference to the Data Protection Act 1998, please be advised that you are in breach of its provisions by failing to comply with my request to disclose information that identifies me, specifically the files of correspondence you have related to the [neighbours'] crimes, their false allegations against me as refuted by all evidence and the views expressed by Sussex Police to the PCA, SPA, HMIC, WDC etc. and the views those parties expressed to Sussex Police. This is my third request for this information and you are also in breach of the Freedom of Information Act 2000 in failing to provide it, most particularly your statutory duty to give a reason for refusing this disclosure and your statutory duty to provide me with advice and assistance ..."
10. On 31 March 2005 the complainant wrote to the Commissioner to request an assessment under section 42 of the DPA.
11. On 22 June 2005 the Commissioner replied to the complainant regarding his assessment. In this response the caseworker stated that in his view the information that the complainant was seeking appeared to have the persons or organisations that he was complaining about as its focus. Therefore it was not considered to be his personal data. It is important to clarify that at that stage the Commissioner interpreted the definition of

- personal data differently. In view of this the caseworker suggested that the complainant make a clear request under the Act for the information he required.
12. The Commissioner has subsequently re-issued his guidance about the definition of personal data and this has been taken into account when reaching a decision in this matter. The guidance will be addressed in more detail in the analysis section below.
 13. On 28 June 2005 the complainant again wrote to the public authority and stated the following:

"I am advised by the Information Commissioner that under the FOI Act ... I have a right to know what recorded information Sussex Police holds in relation to my name in all forms including emails, letters, meeting minutes, research, report etc. My right to full disclosure is irrespective to the precedent set by the case of Durant v. Financial Services Authority which undermined s.7 of the Data Protection Act 1998. There is no additional fee payable and you have 20 working days in which to respond..."

"I, therefore, request you to instruct your Data Protection Unit to send me the crime reports made by the [neighbours] concerning myself, the responses made by your officers and correspondence between Sussex Police and SPA, HMIC and PCA / IPCC whose regulation has been defective if not corrupt. "
 14. On 13 July 2005 the public authority responded as follows:

"As I have stated in my previous letters regarding your disclosure, Sussex Police has furnished you with all documentation to which you are entitled under the provisions of Section 7 of the Data Protection Act 1998 (not the Freedom of Information Act 2000). It is my opinion that you are not entitled to any further disclosure under the provisions of this Act.

As I have stated previously, if you are unhappy with this disclosure it would be necessary for you to lodge a formal complaint with the Information Commissioner in order that they can investigate and settle this matter."
 15. On 18 July the complainant wrote to the Commissioner. He stated that he had made his request to the public authority as a request under the Act.
 16. On 18 July the complainant also wrote back to the public authority. He complained that his request dated 28 June 2005 was for disclosure under the Act and not the DPA. He also stated that the disclosures he required

- under the Act were needed to answer various questions of the “utmost public interest”.
17. On 3 August 2005 the public authority responded to the complainant. It included the following comments:
- “It is [therefore] clear that a number of the questions you have posed in your letter cannot be defined as legitimate requests for information within the terms of the Act ... This is because you are requiring the person answering your request to either, express an opinion regarding the circumstances that you have outlined, or provide an account or explanation of events.”*
18. The public authority listed the questions it was not able to answer; it stated that information was ‘not held’ in relation to two of the questions; and, it provided an answer to a further question.
19. The public authority then went on to clarify the following:
- “As I have stated in my numerous letters regarding this matter, this information is exempt from disclosure in accordance with section 40(1) which states:*
- 40.- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.*
- This exemption is an absolute exemption and I am therefore not required to apply the public interest test (as you have mistakenly stated). This exemption applies because this information has already been made available to you by virtue of Section 7 (1) c of the Data Protection Act 1998. I have already made [my] position clear on this matter, and I see no reason to disclose further information to you. Your repeated assertion that the Freedom of Information Act requires this information to be disclosed to you is inaccurate. “*
20. The public authority also advised the complainant of his right to request an internal review.
21. On 15 August 2005 the complainant wrote to the public authority stating the following:
- “I have already been advised by the Information Commissioner ... as follows :”I would suggest that you submit an unambiguous FOI request to Sussex Police focusing specifically on the particular documents you are trying to obtain”. I attach once again my resulting email to you of 28/6/05*

in which I unambiguously stipulate the crime reports made by the [neighbours] concerning myself, the responses made by your officers and correspondence between Sussex Police and SPA, HMIC and PCA / IPCC.”

22. In the letter the complainant also referred to the exemption in section 40(1) of the Act and mistakenly argued that it was not an absolute exemption for the purposes of disclosure.
23. On 15 August 2005 the complainant again raised issues with the Commissioner. The Commissioner responded on 17 August 2005 advising the complainant that he needed to seek an Internal Review.
24. On 18 August 2005 the complainant wrote to the public authority asking for an Internal Review. He asked for a formal review under both the DPA and the Act. He clarified that:

“Under the FOI Act, I am seeking the copies of correspondence and other contacts, incident/crime reports, legal opinions etc. in your records showing the contact initiated by Wealden District Council/solicitors Johnson and Phillips/ Councillor Mrs. [name removed] followed by false complaints/allegations by the [neighbours] which led Insp. [name removed], based on incorrect legal advice by solicitor [name removed], to order PC [name removed] and other officers to aid and abett [sic] the [neighbours’] criminal acts; and the measures taken by Sussex Police to cover-up their unlawful and criminal acts and breaches of the Police Code of Conduct involving senior officers and the higher command by avoiding scrutiny by SPA, PCA/IPCC and HMIC as provided by Law over a period of 7 years. Public interest demands full disclosure and you as a legitimate Chief Constable and Chairman of ACPO's Anti-Corruption Committee [sic] should have already launched a criminal investigation into Sussex Police corruption.”

25. On 22 August 2005 the complainant wrote to the public authority raising further complaints. Although the title of the letter included references to the Act there is no further information request contained in the text.
26. On 13 September 2005 the public authority acknowledged both the request for an Internal Review and the subsequent letter and advised that the case would be passed to their appeals board for consideration. In this letter the public authority further explained that it was treating the following items as the complainant’s request:
 - *Disclosure of ‘the crime reports made by the [neighbours] concerning myself, the responses made by your officers and correspondence between Sussex Police and the SPA, HMIC and PCA / IPCC’, and*

- *'full disclosure of all information / data in your files relative to my name by return of post in accordance with the FOI 2000'.*
27. The public authority also explained that it did not hold any information relating to crime reports made either in relation to the complainant or his neighbour. It reiterated that the dispute was deemed a 'civil' issue, not a 'criminal' one. It further advised that it had two letters from the PCA, which were included, and that it had no further information either from or addressed to any of the other organisations listed.
 28. The public authority also cited the following:

"In relation to the second part of your request. My position does not change regarding this disclosure. It quite clearly [is] falls within section 40(1) of the Freedom of Information Act 2000, and Sussex Police has previously furnished you with a disclosure under the provisions of section 7 of the Data Protection Act 1998. Irrespective of your own opinion, the legislation does state that this exemption is an absolute exemption. Furthermore, in consideration of the fact that this is the third occasion that you have requested this information and been provided with a full and frank response I am now classifying this part of your request as repeated in line with section 14 of the Act, and will enter into no further discussions regarding this matter with you."
 29. On 19 September 2005 the complainant responded to the public authority. He stated that he believed the author continued to be "deviously evasive" as well as "vexatious". He went on to state that it was in breach of the law as he had not had a response within 21 days of his letter dated 28 June 2005 and he reiterated that he wanted an Internal review under both the DPA and the FOIA.
 30. The complainant further stated that the public authority's claim that this was a 'civil' matter and that there were therefore no 'crime' reports was bizarre. He stated that he was aware that his neighbour's had made a series of fraudulent allegations about him which had led to an officer threatening to arrest him on three occasions. He further stated that he had himself made a series of substantiated reports to the public authority concerning his neighbours' unlawful and criminal activities and had already cited four crime numbers relating to the incidents. He said that the evidence showed that the case involved multiple criminal matters and few civil issues.
 31. This letter was acknowledged by the public authority and the complainant was advised that his appeal in respect of the Act would be dealt with during the following three months. He was advised that the public authority were not empowered to conduct an appeal under the DPA. The public

- authority also said that it would not acknowledge any further correspondence from the complainant in relation to this subject.
32. On 23 September 2005 the complainant wrote to the Commissioner. Amongst other issues, he complained about not receiving his 'personal data' and also about not having any disclosure under the Act.
 33. On 29 September 2005 the complainant again wrote to the public authority. He inferred that three months to conduct an Internal Review is not reasonable. He further stated that as the public authority is not empowered to review his data protection appeal that the person concerned is incompetent and should be disciplined.
 34. On 12 December 2005 the public authority wrote to the complainant with the result of its Internal Review. It stated that he had already been provided with everything he was entitled to receive under the terms of the DPA. It further stated that any information which, if disclosed, would breach the data protection principles and was precluded from disclosure under the Act by an absolute exemption. The public authority also advised that the complainant was repeatedly asking for its opinions on issues and that it could not consider these as legitimate requests under the Act. It further stated that it believed that it was, *"unreasonable to expect Sussex staff or officers to comment on a civil matter"*.
 35. On 28 December 2005 the complainant again complained to the public authority. He stated that it was in breach of both the DPA and the Act as it had not conducted its review *"within the 3 months proscribed [sic] by Law"*. He further argued that it was *"illegally refusing to disclose 'information ... provided by third parties, or any information that may identify another party.'" And, also, that it had made no disclosures under the Act and that "It is clear ... that you are illegally refusing to disclose 'information that is confidential or may breach the rights of any third party' irrespective of public interest."*
 36. On 28 December 2005 the complainant emailed the Commissioner to complain about the result of his Internal Review.

The Investigation

Scope of the case

37. On 5 March 2007 the Commissioner wrote to the public authority to advise it that he was preparing to investigate this complaint. He sought further information from the public authority regarding its dealings with the

- complainant and also asked for a full copy of all the information that had been withheld in this case.
38. On 30 March 2007 the Commissioner wrote to the complainant to advise that his case was being investigated. He clarified his understanding of the complainant's requests which remained outstanding as follows:
- *Any crime reports that the [neighbours] have reported against you*
 - *Any correspondence that Sussex Police have had with their Police Authority, HMIC, PCA, IPCC, Wealden District Council, Johnson & Phillips solicitors or Councillor [name removed] in respect of you*
39. The complainant confirmed that this was correct in an email dated 11 April 2007. He also included the additional information which is cited in the background section at the beginning of this Notice.
40. The Commissioner has confined his investigation and analysis to the information outlined in paragraph 38 above.

Chronology

41. On the 13 April 2007 the public authority advised the Commissioner that it had forwarded a bundle of documents for his investigation.
42. On 18 April 2007 the Commissioner advised the public authority that he had received and was examining the documents. He advised that he had received confirmation from the complainant about the extent of his complaint. He explained to the public authority those aspects of the requests that remained outstanding.
43. At the initial stage of the investigation the Commissioner also asked the public authority to go through its documentation in order to assess whether it could release anything further to the complainant under the DPA provisions. This was in an effort to informally resolve the matter.
44. On 1 May the public authority confirmed that it had again reviewed the documentation. It explained the following to the Commissioner:

"In relation to crime reports ... no such documents exist either within the file or on our computerised crime reporting system ... we have dealt with the matter as purely a civil matter throughout negating the need for any crime reports to be submitted ... the only crime report I can find was originated by [the complainant] himself as a report of criminal damage which was filed as undetected due to there being no witnesses and no evidence."

"I can find no correspondence at all between ourselves and the HMIC, IPCC, Wealden District Council, Councillor [name removed] and Johnson and Phillips Solicitors relating to [the complainant]. There are two letters from the PCA dating back to 1998, to us which relate to [the complainant] but they are only letters which state quite literally, "Please find enclosed further correspondence we have received from [the complainant]" and "Please find enclosed a further letter we have received from [the complainant]"."

"In general terms, I am happy that [the complainant] has received all the documents he is entitled to from the files we hold. The files consist mainly of letters from [the complainant] most of which run to at least three pages which are accompanied by copies of various letters he has sent or received from some of the above named and others. Our responses to those letters are within the files. These were not disclosed to him as my predecessor took the view that he would already have copies of all those documents... What was disclosed is the internal paperwork on the files and copies of the incidents that were reported which he would not have previously had sight of."

Analysis

Procedural matters

45. The complainant's initial correspondence with the public authority consisted of a 'subject access request' under the terms of the DPA and it was dealt with as such. However, in correspondence dated 9 February 2005 the complainant mentioned the Act for the first time as well as the DPA. The response which followed on the 21 February 2005 should have cited an exemption whereas it only referred to his previous 'subject access request'. The public authority replied in similar terms to the request dated 28 June 2005 on 13 July 2005. In failing to cite section 40 and explain why it applied in either of the letters dated 21 February 2005 or 13 July 2005, the public authority breached section 17(1) of the Act. However, no remedial steps are required in this regard.
46. The complainant's requests dated 1 and 30 March 2005 referred to the Act as well as the DPA. Whilst the Commissioner is satisfied that the information requested is, or would be, the complainant's 'personal data' the public authority's failure to respond to either request constitutes a breach of the Act. The Commissioner is satisfied that the public authority breached sections 1 and 17 of the Act in failing to issue refusal notices to these requests citing section 40 of the Act. Again, the Commissioner has not ordered any remedial steps in this regard.

47. The complainant's request dated 18 July 2005 which referred to an earlier request made on 28 June received a reply on 3 August 2005. In that reply the public authority explained that it did not consider that some of the requests were 'legitimate requests for information' because they were seeking an opinion or the provision of an explanation of events.
48. The Commissioner notes that members of the public cannot reasonably be expected to know what information is recorded by public bodies. Further, applicants for information may at times phrase their requests in such a way that the public authority would have to generate new information in order to respond. To clarify, the Act provides a right of access to recorded information. Therefore, public authorities are not required to generate new information in order to reply to a request. However, in circumstances such as this, the Commissioner believes that public authorities should interpret the request as being for any recorded information that may answer the points raised by the complainant. In the event that no such information exists then the public authority should inform the applicant of this. Where information does exist it should either be provided or a refusal notice should be issued within twenty working days.
49. In this case the information the Commissioner is satisfied that any information that the public authority may have held that might have satisfied the complainant's requests would in any event have constituted his personal data and therefore the exemptions in sections 40(1) and (5) would have applied. In failing to treat certain aspects of the letter as requests the public authority breached section 1 of the Act. The public authority should have issued a refusal notice citing section 40(5). It is noted that section 40(1) was generally referenced by the public authority but failure to mention subsection (5) constitutes a breach of section 17. However as the Commissioner is satisfied that this section would apply to any information of relevance that may be held he has not ordered any remedial steps in this regard.

Exemption

Section 40

50. Under section 40(1) information that is requested that constitutes the applicant's 'personal data' is exempt information. This exemption is absolute and requires no public interest test to be conducted. In addition, in relation to such information public authorities are not obliged to comply with section 1(1)(a) by virtue of section 40(5).

51. After careful consideration of the withheld information, the Commissioner is satisfied that the complainant is or would be the subject of all of the information requested. He has requested information about allegations made against him and material that records details of his dispute with his neighbours. The material he has requested from Sussex Police which constitutes communications between it and other organisations is or would be correspondence or exchanges made about him. Therefore the information would identify him, be linked to him and would relate to issues involving his interaction with the police and his neighbours. The Commissioner considers that he is the 'data subject' within the meaning of the section 40(1) exemption and therefore it would be his personal data. Further, as section 40(1) would apply the public authority was not required to comply with section 1(1)(a) because section 40(5) would apply.

Exception

Regulation 5

52. The Commissioner is also satisfied that any information which falls within the scope of the request which constitutes environmental information because it is information on the state of the land in dispute, would also be the complainant's personal data. Therefore the Commissioner is satisfied that the duty to make information available on request under Regulation 5(1) does not apply by virtue of subsection (3) of that regulation.

Section 14

53. As the exemption under section 40(1) is an absolute exemption the Commissioner has not considered the relevance of section 14 in this Notice.

The Decision

54. The Commissioner's decision is that the complainant is the 'data subject' of the information requested and it is therefore exempt from disclosure in accordance with section 40(1) of the Act. Further, the public authority was not in fact required to comply with section 1(1)(a) of the Act because section 40(5) also applied.

Other Matters

55. Having now had full sight of the requested information the Commissioner is of the opinion that the whole request ought to have been treated solely as a subject access request. The Commissioner will therefore make a further assessment as to whether the public authority should supply any further information under the DPA.
56. The Commissioner acknowledges that this is contrary to advice he gave to the complainant in his initial assessment under the DPA dated 22 June 2005. However, the Commissioner's view has now changed in line with a recent update to his definition of 'personal data'. This can be viewed on his website at www.ico.gov.uk

Steps Required

57. The Commissioner requires no steps to be taken.

Right of Appeal

58. 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@tribunals.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 28th day of January 2008

Signed

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

Legal Annex

Freedom of Information Act 2000

Personal information

Section 40(1) provides that –

“Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

Section 40(5) provides that-

“The duty to confirm or deny –

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1)”.

Vexatious or Repeated Requests

Section 14(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”

Section 14(2) provides that –

“Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request.”

Environmental Information Regulations

Regulation 2 - Interpretation

Regulation 2(1) In these Regulations –

“the Act” means the Freedom of Information Act 2000(c);

“applicant”, in relation to a request for environmental information, means the person who made the request;

“appropriate record authority”, in relation to a transferred public record, has the same meaning as in section 15(5) of the Act;

“the Commissioner” means the Information Commissioner;

“the Directive” means Council Directive 2003/4/EC(d) on public access to environmental information and repealing Council Directive 90/313/EEC;

“environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on –

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- (d) reports on the implementation of environmental legislation;
- (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c) ; and
- (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of elements of the environment referred to in (b) and (c);

“historical record” has the same meaning as in section 62(1) of the Act;

“public authority” has the meaning given in paragraph (2);

“public record” has the same meaning as in section 84 of the Act;

“responsible authority”, in relation to a transferred public record, has the same meaning as in section 15(5) of the Act;

“transferred public record” has the same meaning as in section 15(4) of the Act;

and “working day” has the same meaning as in section 10(6) of the Act.

Regulation 5 - Duty to make available environmental information on request

Regulation 5(1) 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(3) 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.