

**Freedom of Information Act 2000 (Section 50)  
and  
The Environmental Information Regulations 2004.**

**Decision Notice**

**Date: 4 November 2010**

**Public Authority:** Portsmouth City Council  
**Address:** Civic Offices  
Guildhall Square  
Portsmouth  
Hampshire  
PO1 2PX

**Summary**

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The complainant submitted a request to Portsmouth City Council ('the Council') for information from environmental records held on a property in Portsmouth. The Council stated that it would only provide a collated version of this information upon provision of a fee. During the course of the investigation, the Council also informed the Commissioner that it relied on the exception at regulation 12(4)(b), which applies to manifestly unreasonable requests. The Commissioner's decision is that Council failed to comply with regulation 5(1) of the EIR as it failed to make information available on request and regulation 5(2) as it failed to make it available within the statutory time for compliance. The Council has also breached regulation 6(1) by failing to comply with the complainant's request to make the information, in relation to CON29R enquiries, available in a particular format. It has breached regulation 6(2)(a) by failing to inform the complainant that it would not make the requested information available in the requested format, and regulation 6(2)(c) by failing to inform the complainant of the enforcement and appeal provisions of the EIR. The Commissioner finds that the Council applied the exception at regulation 12(4)(b) incorrectly. The Council has breached regulation 14(3)(a) by failing to cite the exception it relied upon in its response to the complainant, and regulation 14(3)(b) by failing to inform the complainant of the details of its public interest test in relation to the exception. The Council also breached regulation 14(5)(a) by failing to inform the complainant of his right to request an internal review under regulation 11, and regulation 14(5)(b) by failing to inform the applicant of the enforcement and appeal provisions

applied by regulation 18. The Commissioner requires the Council to make the requested information available for the complainant to inspect within 35 days of this notice.

## **The Commissioner's Role**

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1. The Environmental Information Regulations (The Regulations) 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 Regulations 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 Regulations.

## **Background**

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2. Section 3 of the Local Land Charges Act 1975 compels all local authorities to generate, maintain and update a Local Land Charges Register and to provide local searches. In order to obtain information from a local search, an application for an Official Search must be submitted to the relevant Local Authority on form LLC1. This is usually accompanied by form CON29R.
3. The CON29R form is comprised of two parts. Part 1 contains a list of standard enquiries about a property. Optional enquiries are contained in Part 2.
4. When a property or piece of land is purchased or leased, a request for a search is sent to the relevant local authority.
5. The complainant represents a company which provides information about property and land issues.

## **The Request**

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6. On 5 February 2010 the complainant requested access, free of charge, to records containing the information necessary to complete a CON29R form.

The complainant requested this information in relation to a specific property, and specified that he wished to inspect these records in person. The complainant also stated that the Council had refused to comply with previous similar requests for the information made via telephone by representatives of the complainant's business.

7. On 8 February 2010, the Council wrote to the complainant and informed him that it had no record of previous requests being made. It asked the complainant to clarify when these requests were submitted.
8. On 10 February 2010, the complainant responded to the Council and stated that the relevant request was the one submitted on 5 February 2010. He asked that the Council comply with this request.
9. On 22 April 2010, the complainant emailed the Council to enquire when he might receive a response to his request.
10. On 2 June 2010, the complainant wrote to the Council and asked, in the absence of a response, that it conduct an internal review.
11. On 24 June 2010 the Council emailed the complainant to inform him that it had investigated his complaint. The Council apologised for the delay in its response, which it explained was due to staffing shortages. The Council stated that as the complainant's request was made via email it had not been processed because the Council only accepts requests for property search information made via telephone. Accordingly, the Council found that it had not refused the complainant's request, but rather, it had not been dealt with because it was not submitted by its recognised procedure.

## **The Investigation**

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### **Scope of the case**

12. On 9 July 2010, the complainant contacted the Commissioner to complain about the Council's compliance with the provisions of the EIR.

### **Chronology**

13. On 27 July 2010, the Commissioner wrote to the Council and explained that as the requested information was environmental in nature, it should be considered for disclosure under the provisions of the EIR. The Commissioner also drew the Council's attention to the decision

- notice [FER0236058](#), and the subsequent Information Tribunal decision, [East Riding of Yorkshire Council v Information Commissioner \(EA/2009/0069\)](#), which had dealt with a similar request for access to building control information. The Council was asked to reconsider its response to the complainant's request.
14. On 30 July 2010, the Commissioner emailed the Council and asked that it consider the impact of the [Local Land Charges \(Amendment\) Rules 2010](#). This amendment was published on 29 July 2010 and revokes the set fee of £22 for personal searches of the Land Charges Register. The amendment came into force on 17 August 2010.
  15. On 23 August 2010, the Council contacted the Commissioner and asked that he resend a copy of his email of 27 July 2010.
  16. On 24 August 2010, the Council provided the Commissioner with an explanation of its actions in relation to the complainant's request. The Council emphasised that this had been composed without reference to the Commissioner's email of 27 July 2010. The Council's submission explained that it believed the complainant's request was "frivolous". The Council also confirmed that whilst no charge was now made for allowing applicants to conduct a personal search of the Local Land Charges Register, charges were made for providing CON29R information "where appropriate".
  17. On 25 August 2010, the Commissioner resent a copy of his email of 27 July 2010 to the Council.
  18. On 26 August the Commissioner wrote to the Council and invited any further representations it wished to make in light of his email of 27 July 2010. The Commissioner also drew the Council's attention to the decision of the First Tier (Information Rights) Tribunal in [Castlepoint Borough Council v Information Commissioner](#). The appeal had been brought against the Commissioner's decision notice in a case concerning access to similar information. The Commissioner also asked that the Council confirm if information relevant to the CON29R form was available for inspection, and if it wished to apply an exception to the requested information.
  19. On 3 September 2010, the Council responded to the Commissioner and confirmed that it wished to rely on the exception at regulation 12(4)(b). It asked the Commissioner to consider the arguments set out in its email of 24 August 2010 in support of this.

20. On 25 October 2010 the Council provided the Commissioner with a submission in support of its decision to provide CON29R information in a format other than inspection.

## **Analysis**

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### **Substantive Procedural Matters**

#### **Regulation 2**

21. The Commissioner has considered whether the information requested by the complainant is environmental information as defined by the EIR.
22. The Commissioner considers that the information requested falls within regulation 2(1)(c): "measures (including administrative measure), 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 these elements". Information about a plan or a measure or an activity that affects or is likely to affect the elements of the environment is environmental information. The Commissioner therefore considers the information requested by the complainant to be environmental information.

#### **Regulation 5**

23. Regulation 5(1) provides that environmental information shall be made available upon request. Regulation 5(2) provides that this information should be made available within 20 working days following receipt of the request.
24. As yet, the Council has not provided the complainant with the requested information. However, it has explained that it will permit a personal inspection of the Local Land Charges Register free of charge and provide CON29R information if the complainant pays a set fee.
25. In its response to the Commissioner of 24 August 2010, the Council apologises for the delays in the case but suggests that they are of the complainant's "own making". This is because the Council requires applicants to book appointments to inspect the requested information via telephone. This was reiterated to the complainant in the Council's email of 24 June 2010.

26. The Commissioner however notes that the EIR do not specify how requests must be submitted, or what constitutes a valid request. The [implementation guidance to the Aarhus Convention](#), which forms the basis for the EIR, states that:

“A ‘request’ can be any communication by a member of the public to a public authority asking for environmental information. The Convention does not specify the form of the request, thus implying that any request meeting the requirements of article 4, whether oral or written, will be considered to be such under the Convention” (p.54)

27. The Commissioner consequently considers that requests submitted verbally via telephone are valid requests for the purposes of EIR. However, requests submitted in writing are equally valid and should be responded to under the provisions of the EIR. Whilst applicants are entitled to make verbal requests under EIR, they are in no way obliged to do so. The Commissioner further notes that the Council's policy of only processing requests made via telephone was not explained to the complainant until the Council emailed him on 24 June 2010. The complainant's original request was submitted on 5 February 2010.
28. In its email to the Commissioner, the Council states in mitigation of the delays, that it was waiting for further legal clarification on the issue of access to information of this nature, and that staff employed in its Land Charges Section were absent.
29. The complainant's original request for information was made on 5 February 2010. The Council has not yet provided the requested information to the complainant. The Commissioner therefore concludes that the Council has breached regulations 5(1) and 5(2) by failing to make the requested information available within 20 working days following receipt of the request.

## **Regulation 6**

### ***Regulation 6(1)***

30. Regulation 6(1) provides an applicant with the right to request that information be made available in a particular form or format. It is the Commissioner's view that although regulation 6(1) may appear primarily to be concerned with the form or format information is provided in, it should be interpreted broadly and does provide a right to request the inspection of environmental information. A public authority should comply with this preference unless, in accordance with

regulation 6(1)(a), it is reasonable to make the information available in another format, or, in accordance with regulation 6(1)(b) the information is already publicly available in another format.

*The Local Land Charges Register*

31. The Council has confirmed that it permits applicants to conduct personal searches of the Local Land Charges Register and the Commissioner therefore considers that it has complied with regulation 6(1) in relation to this part of the request.

*Information relevant to CON29R enquiries*

32. The Council argues that in accordance with regulation 6(1)(a), it is reasonable for it to make the requested information available in a format other than the complainant's preferred format of inspection. The Commissioner has considered the Council's submissions on this point below.
33. The requested information is held in the Council's Planning, Highways, Public Protection, Private Sector Housing, Building Control and City Engineers departments. These areas are not open to the public. The Council comments that it conducts "sensitive and confidential work", including care proceedings, civil contingencies, health scrutiny, criminal prosecutions and FOI work. It also states that "staff safety has to be protected", and it cannot allow members of the public to access secure parts of Council buildings. The Council therefore argues that it is reasonable to make information available in a format other than inspection, specifically by collating the information and imposing a charge of £25 for providing this to the complainant.
34. The Council has argued that it is not able to allow the complainant to access its back-office areas to inspect the requested information. However, the Council has not explained why this means that it cannot make the requested information available for inspection in another, publicly accessible location. In previous Decision Notices, such as [FER0288726](#) and [FER0308439](#), the Commissioner has concluded that if a public authority allowed an applicant to inspect printed or photocopied documents, this would satisfy a complainant's request to inspect the requested information. This has meant that public authorities are able to comply with regulation 6(1) as providing information in this way alleviates potential difficulties. For example, personal information can be redacted from copied documents before being provided to applicants. Providing hard copies for inspection also ensures the integrity of a public authority's electronic records, and

means that members of the public do not necessarily have to be given access to back-office areas.

35. Consequently, the Commissioner does not accept that the Council has demonstrated that it is reasonable to provide information in a format other than inspection. He therefore finds that the Council has breached regulation 6(1) by failing to comply with the complainant's request to inspect information, and that the complainant should be permitted to inspect the requested information.

### ***Regulation 6(2)***

36. Regulation 6(2)(a) provides that if a public authority does not make information available in the format requested by an applicant, a public authority shall "explain the reason for its decision as soon as possible and not later than 20 working days after the date of receipt of the request for the information". Regulation 6(2)(c) provides that when refusing to comply with a request for inspection in a particular form or format, a public authority should "inform the applicant of the provisions of regulation 11 and the enforcement and appeal provisions of the Act applied by regulation 18".
37. The Council argues that it is reasonable to provide the CON29R information requested by the complainant in a format other than inspection. However, it has not informed the complainant of this and so the Commissioner finds that the Council has breached regulation 6(2)(a). The Council also failed to inform the complainant that he could request an internal review, or of the enforcement and appeal provisions contained in regulation 18, and so the Commissioner finds that the Council has breached regulation 6(2)(c).

### **Regulation 8**

38. Regulation 8 provides a general right for public authorities to charge for making information available. However, that right is subject to a number of conditions. The relevant conditions in this case are set out in regulation 8(2).
39. Regulation 8(2)(a) states that a public authority shall not make any charge for allowing an applicant to access any public registers or lists of environmental information, and regulation 8(2)(b) states that a public authority shall not make any charge for allowing an applicant to examine the information requested at a place which the authority makes available.



*The Local Land Charges Register*

40. The Council confirms that no charge is imposed to allow applicants to inspect the Local Land Charges Register and the Commissioner consequently considers that the Council has complied with regulation 8(2)(b) in relation to this part of the request.

*Information relevant to CON29R enquiries*

41. The Commissioner notes that the Council continues to impose a charge to provide the information requested by the complainant relevant to the CON29R form. The Council has emphasised that this charge is levied in accordance with section 8 of the Local Authorities (England) (Charges for Property Searches) Regulations 2008 ('the CSPR'). Section 6(1) of these regulations provides that the charge imposed by public authorities for access to property records "be no more than the costs to the local authority of granting access to property records."
42. It is the Council's position that the provisions of the CSPR continue to apply to the requested information. The Council is therefore of the opinion that the EIR do not apply in this case. However, the Commissioner's position on this is that regulation 5(6) specifically disapplies the charging provisions under the CSPR.
43. Consequently, the Commissioner considers that if the property records comprise environmental information as defined by regulation 2 of the EIR the CSPR cannot be used as the basis for charging and the Council must adopt the charging provisions of the EIR. The Council has not disputed that this property information is environmental. Therefore, despite the provisions of the CSPR, the information should be considered for disclosure under the EIR. This position also acknowledges the primacy of EU legislation whereby European law, such as the EIR, takes precedence over domestic law.
44. The Council has not allowed the complainant to inspect the requested information and so has not committed a breach of regulation 8(2)(b). However, for the reasons set out above, the Commissioner considers that the EIR entitle the complainant to request to inspect the requested information free of charge.

**Regulation 12(4)(b)**

45. In its email to the Commissioner of 24 August 2010, the Council argued that the complainant's request was 'frivolous'. In his email of 26 August 2010, the Commissioner explained the provisions of the

exception at regulation 12(4)(b) ('manifestly unreasonable') and asked if the Council wished to apply this exception to the requested information.

46. On 3 September 2010 the Council confirmed that it considered the complainant's request to be 'manifestly unreasonable', for the reasons set out in its previous email of 24 August 2010.
47. Regulation 12(4)(b) provides an exception for requests that are 'manifestly unreasonable'. Whilst the EIR do not define the term, the Commissioner's opinion is that 'manifestly' implies that a request should be obviously or clearly unreasonable.
48. There is no single test for what sorts of requests may be considered to be manifestly unreasonable. Instead, each individual case is judged on its own merits taking into account all of the circumstances surrounding the request. It is the Commissioner's view that regulation 12(4)(b) will apply where it is demonstrated that a request is vexatious or that compliance would incur unreasonable costs for the public authority or an unreasonable diversion of public resources.
49. The Council argues that the complainant's request is 'frivolous', for the following reasons:
  - i. The request referred to previous requests being submitted and the Council maintains that it has never received any previous requests, either via telephone or in written form, from the complainant.
  - ii. The Council is aware that the complainant has submitted similar requests for property search information to other public authorities. The Council states that some of the requests submitted to other authorities have requested information for properties that do not in fact exist.
  - iii. The Council states that other public authorities have informed it that when their charging policies were clarified to the complainant, he did not subsequently make an appointment to inspect the requested information.
  - iv. The complainant "ignored procedure even when that procedure was explained".

- v. The complainant has not booked an appointment to view the Local Land Charges Register, even though he has been advised of how to do this.

The Council consequently argues that the complainant's request was not a "genuine request for a personal search", but "a device to establish the charging practices of local authorities".

- 50. The Commissioner notes that the EIR is both applicant and motive blind. However, he appreciates that for vexatious or, as is relevant here, manifestly unreasonable requests, the context of the request and the requester's previous relationship with the public authority may be relevant.
- 51. The Council argues that the complainant falsely stated that he had previously made requests for similar information via telephone that had been refused. In the absence of any evidence from either the complainant or the public authority, the Commissioner makes no comment on whether the complainant had submitted previous requests. In any case, he does not consider that this issue rendered the complainant's current request invalid.
- 52. The Council also contends that it is aware from discussions with other public authorities that the complainant has submitted similar requests for property search information to a range of other public authorities. In some cases, the Council argues that the request has been for a "fictitious property".
- 53. The Commissioner does not accept that the Council is entitled to take into account requests that the complainant may have made to other public authorities. The Council can only consider the specific request submitted to it by the complainant. The Commissioner notes that it is in fact the Council's contention, as set out in the paragraph above, that the complainant has never contacted it before to request information of this nature. The Commissioner also notes that the Council has confirmed that the request submitted by the complainant did relate to an existing property.
- 54. The Council refers to the complainant "ignoring procedure" even when this was explained to him. It seems that the Council here refers to the complainant's failure to telephone to submit his request. The Commissioner appreciates that the Council may have an established telephone request system for handling property searches. However, under the EIR, the complainant is not obliged to submit his initial

request via telephone, or indeed in any prescribed form, as detailed in paragraph 27 above.

55. The Council argues that the complainant was not interested in the content of the requested information, but in fact submitted his request in order to “establish the charging procedure” operated by the Council in relation to information of this nature. The Commissioner however notes that requests under the EIR should be handled consistently regardless of the suspected motive of the applicant. He therefore considers this argument to be irrelevant.
56. Consequently, the Commissioner considers that the exception at regulation 12(4)(b) is not engaged and he has therefore not gone on to consider the public interest test.

## **Regulation 14**

### ***Regulation 14(3)***

57. Regulation 14(3)(a) provides that:

“The refusal shall specify the reasons not to disclose the information requested, including –

any exception relied on under regulations 12(4), 12(5) or 13”

58. The Council has applied the exception at regulation 12(4)(b) to the requested information. However, it did not inform the complainant of this in its original response or internal review. Consequently the Commissioner finds that it has breached regulation 14(3)(a).

59. Regulation 14(3)(b) provides that a refusal notice should specify:

“the matters the public authority considered in reaching its decision with respect to the public interest under regulation 12(1)(b)...”

60. The Council also failed to inform the complainant of any public interest considerations it took into account and so the Commissioner finds that it has breached regulation 14(3)(b).

### ***Regulation 14(5)***

61. Regulation 14(5)(a) provides that a refusal notice should inform the complainant of his right to make representations for review to the

public authority under regulation 11. The Council failed to do this and so the Commissioner finds a breach of regulation 14(5)(a).

62. Regulation 14(5)(b) provides that a refusal notice should inform the applicant of the enforcement and appeal provisions of the Act applied by regulation 18. The Council failed to do this and so the Commissioner finds a breach of regulation 14(5)(b).

## The Decision

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63. The Commissioner's decision is that Portsmouth City Council did not deal with the request for information in accordance with the EIR. The Commissioner finds that:
- The Council has breached regulations 5(1) and 5(2) of the EIR as it failed to make the requested information available for inspection within the statutory time for compliance.
  - The Council has breached Regulation 6(1) by refusing to provide the complainant with information in relation to CON29R enquiries in the requested format. It has also breached regulation 6(2)(a) by failing to inform the complainant that it would not make the requested information available in the requested format, and regulation 6(2)(c) by failing to inform the complainant of the enforcement and appeal provisions of the EIR.
  - The Commissioner finds that the Council applied the exception at regulation 12(4)(b) incorrectly. The Council has breached regulation 14(3)(a) by failing to cite the exception it relied upon in its response to the complainant, and regulation 14(3)(b) by failing to inform the complainant of the details of its public interest test in relation to the exception. The Council also breached regulation 14(5)(a) by failing to inform the complainant of his right to request an internal review under regulation 11, and regulation 14(5)(b) by failing to inform the applicant of the enforcement and appeal provisions applied by regulation 18.

## **Steps Required**

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64. The Commissioner requires that the Council make the requested information available for the complainant to inspect free of charge.
65. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

## Right of Appeal

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66. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

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

**Dated the 4<sup>th</sup> day of November 2010**

**Signed .....**

**Gerrard Tracey  
Principal Policy Adviser**

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

## Legal Annex

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### **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 –

- (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;

### **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(2)** 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 6 - Form and format of information**

**Regulation 6(1)** Where an applicant requests that the information be made available in a particular form or format, a public authority shall make it so available, unless –

- (a) it is reasonable for it to make the information available in another form or format; or
- (b) the information is already publicly available and easily accessible to the applicant in another form or format.

## **Regulation 8 - Charging**

**Regulation 8(1)** Subject to paragraphs (2) to (8), where the public authority makes environmental information available in accordance with regulation 5(1) the authority may charge the applicant for making the information available.

**Regulation 8(2)** A public authority shall not make any charge for allowing an applicant –

- (a) to access any public registers or lists of environmental information held by the public authority; or
- (b) to examine the information requested at the place which the public authority makes available for the examination.

## **Regulation 12 - Exceptions to the duty to disclose environmental information**

**Regulation 12(1)** Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if –

- (a) an exception to disclosure applies under paragraphs (4) or (5);  
and
- (b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

**Regulation 12(2)** A public authority shall apply a presumption in favour of disclosure.

**Regulation 12(3)** To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with regulation 13.

**Regulation 12(4)** For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

- (a) it does not hold that information when an applicant's request is received;
- (b) the request for information is manifestly unreasonable;
- (c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;
- (d) the request relates to material which is still in course of completion, to unfinished documents or to incomplete data; or the request involves the disclosure of internal communications.

### **Regulation 14 - Refusal to disclose information**

**Regulation 14(1)** If a request for environmental information is refused by a public authority under regulations 12(1) or 13(1), the refusal shall be made in writing and comply with the following provisions of this regulation.

**Regulation 14(2)** The refusal shall be made as soon as possible and no later than 20 working days after the date of receipt of the request.

**Regulation 14(3)** The refusal shall specify the reasons not to disclose the information requested, including –

- (a) any exception relied on under regulations 12(4), 12(5) or 13; and
- (b) the matters the public authority considered in reaching its decision with respect to the public interest under regulation 12(1)(b) or, where these apply, regulations 13(2)(a)(ii) or 13(3).

**Regulation 14(4)** If the exception in regulation 12(4)(d) is specified in the refusal, the authority shall also specify, if known to the public authority, the name of any other public authority preparing the information and the estimated time in which the information will be finished or completed.

**Regulation 14(5)** The refusal shall inform the applicant –

- (a) that he may make representations to the public authority under regulation 11; and
- (b) of the enforcement and appeal provisions of the Act applied by regulation 18.