

# Freedom of Information Act 2000 (FOIA) Environmental Information Regulations 2004 (EIR) Decision notice

Date: 1 October 2015

Public Authority: Codsall Parish Council Address: Parish Council Offices

**Station Road** 

Codsall

Staffordshire

**WV8 1BY** 

# **Decision (including any steps ordered)**

1. The complainant requested to know the reason for the exclusion of the press and public from parts of the meetings of Codsall Parish Council ("the council") as well as the outcomes or resolutions. The council indicated the general reason why the press and public had been excluded but it said that details of the resolutions or outcomes was exempt information under section 40(2), 41 and 42 of the Freedom of Information Act 2000 ("the FOIA"). These exemptions relate to third party personal data, information provided in confidence and legal professional privilege. During the Commissioner's investigation, the council also said that it wished to argue that the request was vexatious under section 14(1). The Commissioner's decision is that section 14(1) was correctly applied except in relation to some information that was environmental and should have been considered under the Environmental Information Regulations 2004 ("the EIR"). This information was excepted under regulation 12(4)(b) and the public interest favoured maintaining the exception. He finds that the council breached section 17(5) for not relying on section 14(1) initially. The council also breached regulations 14(1) and 14(2) of the EIR for not relying on regulation 12(4)(b). The Commissioner does not require any steps to be taken.



### **Request and response**

2. On 3 February 2015, the complainant requested information from the council in the following terms:

"With reference to ALL meetings of the council in 2014 which excluded the press and public.

This is a freedom of information request.

We require the reason/resolution for the exclusion of press and public from the meetings listed below and the resolution/outcomes of those meetings.

Dates: 2014

January 8<sup>th</sup>
January 22<sup>nd</sup>
February 12<sup>th</sup>
April 9<sup>th</sup>
July 9<sup>th</sup>
September 10<sup>th</sup>
September 24<sup>th</sup>
October 8<sup>th</sup>
October 12<sup>th</sup>
November 12<sup>th</sup>
December 10<sup>th</sup>

- 3. The council responded on 13 February 2015. The council said that the reason for the exclusion of the press and the public was to discuss matters of a confidential, legal or personal nature, with the exception of the meeting on 24 September 2014 where there was no motion to exclude press and public. The council said that the information requested about the resolutions or outcomes of the meetings was exempt under section 40(2), 41 and 42 of the FOIA.
- 4. The complainant expressed dissatisfaction with the response on 17 March 2015 and 9 April 2015. She complained that the council had not specified which exemption applied to each meeting, that it had not considered the public interest and that she was not satisfied that the information was exempt since the council had provided no explanation for the application of the exemptions.
- 5. The council replied on 1 May 2015. It specified which exemption applied to each set of minutes. The council said that there was no public interest test to apply for section 40(2) and 41 of the FOIA however it specified



its considerations with respect to the public interest test under section 42. The council said that it was not obliged to explain why an exemption applies if to do so would involve the disclosure of exempt information.

### Scope of the case

- 6. The complainant contacted the Commissioner on 18 May 2015 to complain about the way her request for information had been handled. She asked the Commissioner to consider whether the council had correctly refused to provide the information.
- 7. For clarity, the council relied on section 14 of the FOIA during the Commissioner's investigation. This exclusion relates to vexatious requests. The Commissioner's analysis below focuses on the application of this exclusion and the equivalent exception under regulation 12(4)(b) of the EIR. While the latter was not relied upon by the council specifically, it was appropriate for the Commissioner to consider it in the circumstances.

### Reasons for decision

### **Environmental Information Regulations 2004**

8. Information that is environmental in nature cannot be considered under the terms of the FOIA. This is because "environmental information" must be considered under the separate rights of access provided by the EIR. Under regulation 2 of the EIR, "environmental information" is any information on measures and activities affecting or likely the elements and factors of the environment. One of the elements is the land. Upon inspection of the withheld information, the Commissioner decided that some of the information falls within this definition and is likely to affect the land. The Commissioner therefore considers that the council should have dealt with this request under the terms of the EIR in part.

# Section 14(1) of the FOIA and regulation 12(4)(b) of the EIR

9. Section 1(1) of the FOIA provides a general right of access to recorded information held by public authorities. The council has relied on the exclusion under section 14(1) of the FOIA. This states that:

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



- 10. The equivalent exception to section 14(1) of the FOIA under the EIR is regulation 12(4)(b). This exception relates to manifestly unreasonable requests. Having decided that some of the information should be considered under the EIR in part, the Commissioner will consider the application of regulation 12(4)(b) as well as regulation 14(1) in this notice.
- 11. Regulation 12(4)(b) of the EIR provides the following:
  - "For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –
  - (b) the request for information is manifestly unreasonable".
- 12. In accordance with regulation 12(1)(b), information may be withheld under regulation 12(4)(b) if:
  - "...in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information".
- 13. The Commissioner has published guidance on applying section 14(1) of FOIA which relates to vexatious requests. While the guidance is focused on section 14(1) of the FOIA, the Commissioner's general approach to applying regulation 12(4)(b) of the EIR is the same in relation to vexatious requests. For ease of reference, the Commissioner's guidance can be accessed here:

https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf

- 14. As discussed in the guidance, the relevant consideration is whether the request itself is vexatious rather than the individual(s) submitting it. Sometimes, it will be patently obvious when requests are vexatious. In cases where it is not so clear-cut, the key question to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. This will usually be a matter of objectively judging the evidence of the impact on the authority and weighing this against any evidence about the purpose and value of the request. Public authorities may also take into account the context and history of the request where relevant.
- 15. The council explained the background to this request. It said that in 2013 it had made a decision, following residents' concerns, to construct a car park on Oaken Drive Field in Codsall for commuter parking. This was an attempt to alleviate ongoing parking issues in the area. The council said that the proposed car park would be opposite the complainant's property. It said that following this decision, it received



numerous requests from the complainant acting on behalf of an environmental group and other members, and two more individuals, who will be referred to as person A and person B in this notice.

- 16. The council said that the complainant is linked to person A and B because they are all members of a particular group (other than the environmental group of which the complainant is also a member). Although only the complainant is a member of the environmental group concerned, the council has argued that they share similar or the same concerns, and offer each other support. It highlighted information in which they had offered comments of support as evidence. Support for the car park campaign was specifically mentioned. Person B has also clearly expressed his concern for protecting green areas around the village. These individuals have all made numerous requests about the car park and an application for the land to be designated a village green has been submitted. The Commissioner understands that the application has not yet been determined.
- 17. The council argued that a significant burden had been imposed by the complainant and other members of the environmental group as well as person A and B when their requests are considered together. It said that it has only two office staff, working part time, and overtime has had to be used to deal with all the correspondence received from the environmental group and person A and B. The council said that it had taken the decision to refuse this request as vexatious because it wanted to protect its resources in order to enable it to offer a service to all residents, and not just this small group of people. The council said that the number of requests it had received from the environmental group and person A and B from April 2013 is totally disproportionate to the amount of information requests it would normally expect to receive from residents and this has ultimately led to a "denial of service" to other parishioners. It said that it had received on some occasions more than one request in a day in separate items of correspondence or multifaceted requests within a single item of correspondence.
- 18. The council provided a large bundle of information to the Commissioner in order to demonstrate the number of requests it had received from these individuals since April 2013 following its decision about the car park. This demonstrated that there were requests almost every month since that date, often multiple requests were made in one month. The council provided a log of the requests it had received from the complainant, the environmental group and person A and B. This amounted to 56 separate logs from April 2013 up until the date of the request. A summary of some of these requests is shown below.



# Requests from the complainant on behalf of an environmental group

- Request made on 17 June 2013 for all written agendas and minutes relating to the Car Park Committee, a copy of a written report to the Car Park Committee to include the seven individual quotations received for a temporary car park, a document from county council/highways about the alignment of the junction from Oaken Lanes into Station Road, the quotes and costings obtained from architects to assist with planning permission, annual meeting minutes, details of responses from a memo sent to councillors, and a copy of an agenda
- Request made on 19 November 2013 for a copy of preliminary architect sketches relating to the car park
- Request made on 30 January 2014 for written details relating to the preliminary design of the car park and any costing, provisional or otherwise
- Request made on 11 March 2014 for details of the design specification and costing relating to the car park plans submitted by the architects.
- Request made on 8 September 2014 for a copy of any correspondence with the appointed ecological surveyor/company relating to Oaken Drive Field and a copy of the Oaken Drive Field Ecological Walk Over and Protected Species survey
- Request made on 8 September 2014 for a copy of the notes of the meeting held with an employee of South Staffordshire Council connected to the Oaken Drive Field car park plans

# Another individual on behalf of the same environmental group

- Request made on 30 September 2013 for various items of information including design costs for the car park, whether the council has installed new benches in Oaken Drive field or carried out any wall repairs
- Request made on 19 November 2013 for various items of information, including correspondence regarding the construction of a fence surrounding Chapel Lane playing field and district council owned land

#### **Person A**

- Request made on 18 May 2013 relating to Oaken Drive Field and station parking for a copy of a highways report, details of the contractor, professional advisors and details of the process deployed to appointment, full details of the costs incurred on the project so far
- Request made on 12 May 2013 for a number of items of information relating to Oaken Drive Field car park plans including information on who is advising the council and the basis of their appointment, the estimated costs and timetable, consultation and environmental impact assessment details, details of how to submit a petition to the council,



- who voted to proceed with the car park, and what charges the council proposed to make for using the car park
- Request made on 3 June 2013 for a copy of the risk management policy for the proposed car park on Oaken Lane Field and when it was considered, adopted or rejected by the council
- Request made on 3 June 2013 to inspect records relating to title deeds for Oaken Lane Field
- Request made on 12 October 2013 for a number of items of information relating to Oaken Drive Field car park including information about the ownership of the site, any covenants or restrictions on development, the costs of the development, the timetable, details of consultations and environmental impact assessments, and whether a particular organisation was making a financial contribution.
- Request made on 11 November 2013 relating to pecuniary interests
- Request made on 18 December 2013 relating to pecuniary interests
- Reguest made 24 November 2014 relating to pecuniary interests

### **Person B**

- Request made on 24 April 2013 for car park committee meeting minutes
- Request made on 25 October 2013 about an amendment or correction to minutes of the Car Park Committee of the 24<sup>th</sup> April 2013 which formed the basis of a resolution to create a car park on Oaken Drive Field.
- Request made on 2 November 2013 and 8 November 2013 regarding Codsall Parish and Community Plan
- Request made on 17 February 2014 for a copy of the report on council finances 2013-2014 and a copy of a schedule of payments to 8 January 2014
- Request made on 19 March 2014 for a copy of the schedule of payments to 12 February 2014
- Request made on 16 April 2014 for particular documents mentioned in the council meeting minutes
- Request made on 16 April 2014 for a copy of the agenda and notes from the site meeting with a pest control contractor, the name of the contractor, all correspondence with Natural England regarding Oaken Drive Field since 10 April 2013, copy of all correspondence with a named Staffordshire Police Wildlife Officer about Oaken Drive Field since April 2013, copies of parish council/committee meeting minutes after 10 April 2013, in which the presence of water voles in Codsall was discussed, copy of all correspondence or documentation from wildlife organisations or professionals to support the statement that dogs pose a serious threat to water voles.



- Request made on 17 April 2014 for copies of all correspondence received from the Heritage Lottery Fund between 1<sup>st</sup> April 2013 and 31 March 2014
- Request made on 9 May 2013 for Open Spaces Committee minutes, road safety committee minutes, and car park minutes
- Request made on 18 November 2013 for copies of attendance registers for council meetings from 2011.
- Request made on 19 December 2013 relating to a business sign
- Request made on 10 July 2014 for copies of the Open Spaces Committee meeting minutes
- Request made on 18 August 2014 for a copy of the decision letters relating to grant application submitted to the English Heritage Lottery Fund and Veolia for funding for the Wheel Field Project and Finance Committee meeting minutes
- Request made on 16 October 2014, specifically referring to the complainant's submission of a village green application, to know who made the decision to refer the response to the legal department of South Staffordshire Council and the date when that decision was made
- Request made on 13 November 2014 for open spaces committee meeting minutes
- Request made on 24 November 2014 relating to Codsall village playing fields
- Request made on 15 December 2014 relating to correspondence mentioned in the council's agenda and information about a grant
- 19. The council said that it had responded to the requests and had withheld information on some occasions when it was considered that it was appropriate to do so however this had not stemmed the constant flow of requests for information. Sometimes, responding to a request also resulted in complaints or allegations. These complaints were often that the council had breached its procedural or legal responsibilities. For example, the council said that the complainant had accused the clerk in a "public participation meeting" of not adhering to the time frames for responding to her information requests. The council said that this was the first time the matter had been raised and the clerk had to take the unusual step of leaving the meeting in order to obtain evidence that the requests had in fact been responded to on time. The complainant subsequently made a complaint about the behaviour of the council at the meeting, complaining that it had interrupted person B in "an aggressive manner", did not apologise when it would have been appropriate, and had generally not behaved in a polite and respectful way, belittling those involved.
- 20. The council also referred to comments on the website for the environmental group concerned. The council said that these comments complain that the council is endangering the life of water voles by



pursuing the car park plans despite the fact that the complainant had already been provided with a study produced by National England, which the council had commissioned, confirming that mole control could take place as there were no water voles present. The council subsequently received a request from person A asking whether the clerk or councillors were liable for imprisonment or a fine for killing water voles. The council argued that this was unfair because it did not accurately reflect the nature of the information provided to the complainant in response to her request.

- 21. In relation to person B, on 3 October 2013, the council had received a letter referring to person B's commitment to protecting the open green spaces in and around Codsall village. He accused the council of not being committed to acting "with honesty, integrity and humility" and stated that he had decided to end his association with the council as it "may well prove toxic" and he was concerned that the council did not share his commitment to protecting the area's green spaces. He criticised the council for not acting with openness and transparency and for not responding to requests from parishioners in a timely and efficient manner. The council also said that person B had made an allegation that the clerk had misinformed the council following one response to an information request. The council said that it took this allegation very seriously and it was subsequently investigated by its internal auditor as a result. It was found to be without merit.
- 22. The council said that that the level of contact from these individuals suggested an unreasonable level of persistence and a desire to cause annoyance. It argued that the requests and complaints together form a concerted campaign by individuals, rooted in a grievance about the council's decision to build a car park. It alleged that the individuals were using the information access legislation to pursue their campaign of opposition to the car park. The council said that it accepts that the decision to build the car park would naturally give rise to some requests or enquiries however it said that its view was that the complainant was constantly looking for ways to overturn the decision or hinder it. It suggested that the primary motivation of the requests was not to obtain information but to vent anger at the council for making the decision to build the car park.
- 23. The council supplied information taken from the website of the environmental group concerned. It pointed out that the webpage was headed with a provocative, and inaccurate, comment that "The Parish Council wants to gas the moles at Oaken Lanes putting the water voles in danger. Its [sic] an offence to kill protected species punishable by a fine and/or a prison term". Directly underneath that the webpage includes comments about the council's decision to press ahead with the car park. It says:



"The Parish Council have decided to proceed with this car park despite huge opposition in the village. They are spending our money to design the car park and submit a planning application.

Parish Council removed the Car Park update link from their web site some time ago. DO YOU KNOW WHAT IS HAPPENING?

Well, if you want to find out you might go to the parish meetings or read the minutes of those meetings on the website, but you would really be none the wiser. You would have to do as we have done and write numerous freedom of information letters/requests"

- 24. The council highlighted that the website was running a campaign known as "The Bend Their Ears Campaign", which the website says is "about making decision takers understand the depth of our opposition to their proposal to build a car park on Oaken Lane Field". The website encourages members of the public to "write, email or telephone these people. Make sure they hear the voice of our community loud and clear". The website lists underneath the direct contact details of the clerk, members of the council, and South Staffordshire councillors. The council said that this was evidence that the complainant and the environmental group were abusing the legislation because of the grievance over the car park.
- 25. The complainant explained to the Commissioner that the environmental group of which she is a member was set up with the preservation of green spaces in the village as its primary objective. It was created initially in order to oppose the council's plan to build a car park on a piece of green belt land. She said that during the last two years, the group had challenged the council about their general decision making processes, their disregard for their standing orders and their lack of transparency.
- 26. The complainant said that she regularly attends (along with a member of the public) the planning and main meetings of the council and she is therefore aware of the general business on the agendas and reads the minutes which are published. She said that she had been labelled a "watcher" by the clerk as a result. The complainant said that as a result of attending meetings and reading minutes, the environmental group of which she is a member had written to the council for information about progress with the car park proposals and others matters relating to its administration. She said that on occasions when the responses were not considered to be satisfactory, the group had made a written request for information. She said this was only done when it was not possible to obtain the information from other sources.



- 27. The complainant said that in 2013, the confidential items placed on the agendas amounted to 30%. This increased in 2014 to a total of 90% of all meetings. She said that the council had not provided a satisfactory explanation for this change. She said that the clerk excludes the press and public, without any indication on the agenda about what the item relates to and why it should be confidential.
- 28. The complainant made additional comments in her representations to the Commissioner that gave an indication of the information which she was interested in receiving, and which she considered might be contained in the confidential parts of the minutes as follows:

"As a result of scrutinising the actions of the Parish Council, the minutes and inspection of the Parish Accounts we consider that a number of these confidential items are likely to be in the public interest.

- 1. Village Green (decision made at open meeting to object to application). No open meeting where the decision and instruction of a solicitor were made despite the use of tax payers money. On inspection of the accounts payments for this service have been made.
- 2. Parish Council allocated x2 parking spaces in front of its offices no minutes referring this to Highways. Parking around the village being an ongoing issue.
- 3. Ecological walk over study (decision to purchase this service in open meeting). No open discussion relating to quotes for this or eventual costs other than in the Parish accounts".
- 28. The complainant argued that her requests and other requests from the environmental group should not be regarded as vexatious because of the lack of appropriate transparency and cooperation by the council, and additionally because the requests from the group had not been repetitive, frequent, abusive, aggressive or accusatory. She said that there had never been any stated intention to cause disruption to the council and that the requests were not burdensome. She said that the requests did not reflect any personal disagreement, only a difference of opinion. The complainant rejected the council's assertion that she was acting as part of a campaign with any others. She acknowledged that she was aware of a number of residents who also attend the council meetings and share concerns about the administration and transparency of the council, however she said that these residents were not members of the environmental group and should be considered separately.
- 29. Turning now to the question of whether the request was vexatious in the Commissioner's view. In this case, the complainant has expressed



particular concerns that the council is not excluding the public and press from parts of its meetings appropriately, and has been keeping information confidential that should actually be in the public domain. It is clearly a matter of public interest that public authorities are accountable and transparent about their actions and decisions where appropriate. If this request was not treated as vexatious, it would allow for independent scrutiny of the information from the minutes by the Commissioner and consideration of whether it is exempt under the information access legislation. However, while there is value in this request, this must be balanced against the concerns raised by the council about responding to this request against the background described.

- 30. It is fair in the Commissioner's view for the council to consider this particular request in the context of a wider pattern of behaviour by the complainant and the environmental group and person A and B. The Commissioner was persuaded by the evidence supplied by the council that the complainant did know person A and B, they shared similar or the same interests, and it is very likely that they were acting together. Indeed, the environmental group's website specifically encourages and invites this. This request is clearly part of an ongoing chain of correspondence and requests relating mostly to concerns about the council's decision to build a car park, which has developed into an unusual level of scrutiny and general criticism of the council as well. The request can be linked to the previous behaviour because it forms part of a fairly unbroken flow of requests from these individuals received by the council since April 2013 following its decision about the car park. Furthermore, the complainant has made specific comments clearly indicating her primary motivation to obtain information which may be contained in the withheld parts of the minutes connected to the car parking dispute.
- 31. It is clear to the Commissioner that the volume and frequency of the requests over the period in question was excessive and would have imposed a significant burden, particularly taking into account that the body at whom they were directed is only a small parish council. There is always a need to exercise information access rights responsibly and this is arguably even more so in the case of parish councils because the impact of burdensome requests on these councils is likely to be great. The Commissioner notes that the First-Tier Tribunal (Information Rights) made some general comments about the nature of parish councils and their limited resources in *Stephanie Harvey v The Information Commissioner and Walberswick Parish Council* (EA/2013/0022). They are worth repeating in part here:

"Parish Councils are the smallest unit in our system of elected government...Their powers are limited...Their budget generally runs to a



few thousand pounds a year, again varying according to size. They generally employ one part-time clerk to perform secretarial and administrative tasks...Their income derives from their precept – usually a small fraction of the Council tax. Most Parish Councils probably have little experience of FOIA requests for information".

- 32. Against this background, the Commissioner agrees with the council that the complainant has taken an unhelpful approach to the issues, the main one being the dispute over the land near to her property. It is clear that the complainant and the environmental group, as well as person A and B, have adopted a generally hostile stance towards the council since the decision to build the car park, and there is a sense that the requests are, as the council says, aiming to uncover details which can be used to criticise the council or hinder the progress of the car park plans. The complainant's website is provocative, referring to the council killing water voles and encouraging other members of the public to make numerous requests for the council. When a member of the public considers that there are weaknesses in the way in which a council is carrying out its business, it is not a constructive approach to send an excessive stream of information access requests or to encourage others to do so. This is likely to hinder the council in operating effectively, particularly a small parish council. The vexatious provisions under the FOIA and the EIR are designed to protect against this type of behaviour.
- 33. As acknowledged by the council, it is to be expected that there would be some requests or enquiries about the car park, and even challenges. Of course, it is right that public authorities are subject to an appropriate amount of scrutiny. The FOIA and the EIR can facilitate and support legitimate enquiries, even where those requests are part of a campaign. Indeed the Commissioner's guidance on vexatious requests notes that it is important to distinguish between cases where the requesters are abusing their information rights to engage in a campaign of disruption, and those instances where the requesters are using the legislation as a channel to obtain information that will assist their campaign on an underlying issue. The Commissioner's method of doing this is to weigh the impact of the request against the serious purpose and value of it.
- 34. The Commissioner can appreciate why the complainant is concerned about the council's decision to build the car park however it is worth noting that the planning system is underpinned by a statutory framework which provides an appropriate means of challenge to planning applications. Furthermore, although the complainant has suggested that the council is not transparent and does not respond to requests appropriately, the Commissioner's general view was the council had worked very hard to respond to the volume of requests submitted during this time period, particularly in view of its size and limited resources, and had supplied a good deal of information about the car



park plans and other matters. The complainant has said she made this particular request because the council had not explained why the amount of confidential items in its minutes had increased in 2014. This may well be the case but that in itself is not a particularly compelling argument in isolation. As the council did not initially rely on section 14(1), the Commissioner has had the benefit of being able to inspect the withheld parts of the minutes. Given the general nature of the information being withheld, it was not the Commissioner's view that the council was making manifestly inappropriate decisions about which discussions should be had in private.

- 35. It is a legitimate use of the legislation to make some requests about this matter. The Commissioner's impression was that the complainant was, in part, genuinely seeking information to assist in her campaign and was not merely venting anger as the council's suggests. Nonetheless, the sheer weight of requests over this time period, together with other complaints and allegations, was unreasonable in the Commissioner's view, particularly given the limited resources of this authority. The complainant and person A and B have seemingly had no or little regard for this. In the Commissioner's view, the complainant is attempting to use the legislation as a means to apply an inappropriate amount of pressure to the council because she is unhappy about the car park plans. The Commissioner has acknowledged that this request had value and there is a public interest in the information, however, in the full context, the Commissioner did not consider that there was a sufficiently strong public interest to outweigh the burden that had been shouldered by the council since April 2013 as described in this notice. The request forming the subject of this complaint is clearly part of a campaign of action that has been taken too far on this occasion.
- 36. In view of the above, the Commissioner decided that the council had correctly relied on section 14(1) of the FOIA and regulation 12(4)(b) of the EIR on this occasion. Regulation 12(4)(b) is subject to a public interest test however the Commissioner considers that his analysis above has explained why he is of the view that the public interest in maintaining the exception outweighs the public interest in disclosing the information. In the circumstances, the stronger interest is to protect the resources of this small public authority. For clarity, it is not necessary for the Commissioner to consider the application of the other exemptions relied upon by the council.

### **Procedural issues**

37. The council did not rely on section 14(1) at the time of its response to the complainant. It only sought to rely on this exclusion during the Commissioner's investigation. This was a breach of section 17(5)



because the council should have provided a notice to the complainant stating that it was relying on section 14(1) within 20 working days.

38. The council did not recognise that some of the withheld information was environmental and should therefore be considered under the EIR. This meant that it did not rely on regulation 12(4)(b) as would have been appropriate. This was a breach of regulations 14(1) and 14(2) of the EIR.



# Right of appeal

39. 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, LEICESTER, LE1 8DJ

Tel: 0300 1234504 Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-

chamber

- 40. 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.
- 41. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed	
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