

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 21 January 2016

**Public Authority:** Royal Borough of Greenwich  
**Address:** The Woolwich Centre  
35 Wellington Street  
Woolwich  
London  
SE18 6HQ

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

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1. The complainant requested from the Royal Borough of Greenwich various information in connection with a specific planning application.
2. The Commissioner's decision is that the Royal Borough of Greenwich has breached Regulation 11(4) of the EIR by failing to respond to the complainant's internal review request as soon as possible and in any event within 40 working days.
3. The Commissioner does not require the Royal Borough of Greenwich to take any steps to ensure compliance with the legislation.

#### **Request and response**

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4. On 15 July 2015 the complainant wrote to the Royal Borough of Greenwich (the council) and requested the sight of any documents, correspondence, or any other routine data between the council and MD Associates between 25 March 2015 and 13 May 2015 whether the information was held on computer, email, printed or written documents, as well as any images or recorded data (video/audio).
5. On 16 July 2015 the complainant clarified with the council that information required related specifically to the planning application 15/0244/V.

6. The council responded on 10 August 2015 and disclosed some information.
7. On 8 September 2015 the complainant requested an internal review and raised some additional queries in relation to data protection issues.
8. The council responded on 8 December 2015 stating that it had conducted an internal review under the EIR. It answered the additional queries and clarified that it did not hold any recorded information in relation to telephone calls as it was not the planning department's policy to make a written record of them.

### **Scope of the case**

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9. The complainant contacted the Commissioner 5 November 2015 to complain about the way her request for information had been handled and the adequacy of the answers given to her various data protection queries.
10. In relation to her request for information, the complainant stated she was unhappy with the length of time it took the council to respond to her internal review request dated 8 September 2015. She also confirmed to the Commissioner that she accepted the council had disclosed all the recorded information it held falling within the scope of her request.
11. The scope of the Commissioner's investigation in this case is limited to the time it took the council to respond to the complainant's internal review request.

### **Reasons for decision**

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#### **The Environmental Information Regulations 2004 (the EIR)**

12. The council has dealt with the complainant's internal review request under the EIR on the basis that the information is 'environmental' within the meaning of Regulation 2(1) of the EIR.
13. As the requested information relates to a particular planning application (15/0244/V) and the objections raised in connection with it, the Commissioner is satisfied that the council was correct to respond to the internal review under the EIR.

#### **Regulation 11 of the EIR**

14. Regulation 11(1) states that an applicant may make representations to a public authority in relation to his/her request for environmental information if it appears to the applicant that the authority has failed to comply with a requirement of these Regulations in relation to the request.
15. Regulation 11(2) states that such representations shall be made in writing to the public authority no later than 40 working days after the date on which the applicant believes that the public authority has failed to comply with the requirement.
16. Regulation 11(3) states that the public authority shall on receipt of the representations and free of charge—
  - (a) consider them and any supporting evidence produced by the applicant; and
  - (b) decide if it has complied with the requirement.
17. Regulation 11(4) states that the public authority shall notify the applicant of its decision under paragraph 11(3) as soon as possible and no later than 40 working days after the date of receipt of the representations.
18. In this case the council did not respond to the complainant's internal review request dated 8 September 2015 until 9 December. This was more than 40 working days and as a result it breached Regulation 11(4) of the EIR.

## Right of appeal

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19. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**