

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

### **Decision notice**

**Date:** 13 December 2022

**Public Authority:** Wiltshire Council

**Address:** InformationGovernance@wiltshire.gov.uk

### **Decision**

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1. The complainant requested copies of photos. Wiltshire Council (the "council") relied on regulation 6(1)(b) (form and format of information) because it considered the information was already accessible to the complainant.
2. The Commissioner's decision is that the council is entitled to rely on regulation 6(1)(b) request as the relevant information it holds is easily accessible to the complainant in another form or format. He does not require the council to take any steps.

## **Request and response**

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3. On 15 August 2022 the complainant made the following information request to Wiltshire Council (the "council"):

"...better copies of the photos made public in appendix 11 pdf pages 4 to 7. These have been sent in email from [redacted] to [redacted], 7 April 2021 which was a forwarded email from [redacted], 7 April 2021."

4. The council's final position is that the request is refused under regulation 6(1)(b) of the EIR as the information is already publicly available and easily accessible to the complainant in another form or format.

## **Reasons for decision**

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5. This reasoning covers why the Commissioner has concluded that the council is correct when it says that the information is reasonably accessible to the complainant as provided by regulation 6(1)(b).

## **Regulation 6(1)(b) – form and format**

6. Regulation 6(1) provides that 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 it is reasonable for it to make the information available in another form or format, or the information is already publicly available and easily accessible to the applicant in another form or format.
7. In this case the complainant requested copies of photos at a higher resolution to those published on the council's website.
8. The council has confirmed that the photos published on its website are the only version of the photos that it holds. In short, it does not hold the requested higher resolution versions of the photos.
9. The Commissioner has concluded that the information requested by the complainant is already accessible to them in another form, that is, photos of a certain resolution published on the council website.
10. As the council does not hold the photos in the higher resolution requested the Commissioner's decision is that council was able to apply Regulation 6(1) to refuse to provide the information in the format requested in this instance.

## Right of appeal

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11. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

12. 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.
13. 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 .....**

**Christopher Williams**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**