



## **Environment Information Regulations 2004**

### **EIRs are about the public right of access to environmental information**

Environmental Information is defined as:

- State of the elements of the environment, such as air, water, soil, land, landscape and natural sites, flora and fauna and interaction between these elements.
- State of human health and safety, conditions of human life, the food chain, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment.
- Substances, energy, noise, radiation or waste affecting or likely to affect the state of the environment.
- Policies, strategies and plans relating to the state of the elements and the interaction between them.
- Emissions discharges and other releases into the environment.
- Cost benefit and other economic analyses and assumptions used within the framework of environmental measures and activities.

### **Access to Environmental Information**

The public has had the ability to access environmental information for over a decade but the advent of the Freedom of Information Act on 1 January 2005 has allowed Government to streamline EIR and FOI, as well as ratifying its commitments under the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters with the EU Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information.

### **Proactive dissemination**

The Council has disseminated environmental information on its website and has made full use of the FOI publication scheme to alert the public as to the existence of environmental information within the Council.

### **Inspections**

Inspection of Registers and documents by the applicant on Council premises are free of charge.

### **Requests for Environmental Information**

Requests for Environmental information can be made in writing, by email or using the On-Line Form, orally over the telephone or during a meeting, or by some other form of communication, e.g. by sign language.

### **Timescale**

The Council has 20 working days to respond to the applicant. This timescale can be extended to 40 days if there needs to be a public interest test or if the request is complex or voluminous.

### **Charges**

RBK can charge a reasonable amount for supplying information. RBK will inform you, in writing, as to the fees payable and the 20 working days for response doesn't start until the fee is paid. If the fee is not paid within 60 days, we can assume that you no longer want the information.

### **Exceptions**

EIR contains a presumption in favour of disclosure of environmental information. The Council will disclose the relevant information unless there is a strong case under public interest to withhold access to that information.

Exceptions include:

- not holding the information
- The request is manifestly unreasonable
- The request is formulated in too general a manner
- The information required is still in draft
- The information required is confidential internal correspondence

And other exceptions relating to international relations, defence, national security or public safety, judicial or legislative capacity, intellectual property rights and confidentiality.



### **Personal Information**

If environmental information contains personal data relating to other people, the personal information will be removed (redacted) before the information is sent to you.

If the information requested includes your personal data, the request is a Subject Access Request (SAR) under the Data Protection Act 1998.

### **Re-use of Council Information**

The supply of information does not give the public an automatic right to re-use that information. Most environmental information held by the Council will be covered by copyright under the Copyright, Designs & Patents Act 1988.

### **Complaints**

If you are not happy with the response from the Council, you can complain to the Council under the Complaints Procedure. Once the Council has reviewed the request, you have the right of appeal to the Information Commissioner.

### **Enforcement**

The Information Commissioner is responsible for overseeing the Regulations, but sometimes the European Court of Justice could be involved.

### **KEY POINTS**

- The definition of environmental information is broad
- Any verbal or written request for environmental information is an EIR request
- All requests must be dealt within 20 working days
- All of the exceptions are subject to the public interest test

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

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Fax: 01625 524510

Website: <http://www.information.commissioner.gov.uk>

Email: [mail@iso.gsi.gov.uk](mailto:mail@iso.gsi.gov.uk)

If you have any concerns on how the Council processes EIR requests:  
Gillian Whichelo, Records Manager & Data Protection Officer, Legal Services, North Kingston  
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