

EIR - Frequently Asked Questions

To help you understand the Environmental Information Regulations a list of Frequently Asked Questions has been compiled to assist you with your request.

Q What is Environmental Information?

A Environmental Information is information about:-

- The state of the elements of the environment - air, water, soil, land, flora and fauna, landscape and natural sites, genetically modified organisms, biological diversity - and the interactions between them.
- Factors affecting or likely to affect environmental elements - energy, noise, radiation, waste, emissions, discharges and other releases into the environment.
- Measures (including administrative measures, policies, legislation, plans, programmes and environmental agreements) and activities affecting or likely to affect elements and/or factors
- The 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 elements
- Cost benefit and other economic analysis used in environmental decision-making.

Q Who does the Environmental Information Regulations affect?

A EIR essentially apply to the same public authorities that are covered by the Freedom of Information Act 2000 (FOI):-

- Central government and government departments
- Local authorities
- Health and education establishments
- Police forces and prison services
- Advisory groups, commissions and agencies.

However, unlike Freedom of Information, EIR also include:-

- Any body or person carrying out a function of public administration
- Any body or person under the control of a public authority who has responsibility in relation to the environment. This includes some private companies, public private partnerships, for example companies involved in energy, water, waste and transport.

Q What Environmental Information is available from Wakefield Council?

A Wakefield Council deals with an array of Environmental issues ranging such areas as:-

- Environmental Health
- Environmental Food and Rural Affairs
- Health and Safety
- Food Safety

- Pest Control
 - Dog Warden Control
 - Pollution Control
 - Refuse Collection
 - Waste Management
 - Recycling Programmes
 - Energy Efficiency
 - Planning Applications.
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Q Who can make a request?

A Anyone, regardless of age, nationality or geographical location can make a request for environmental information

Q Do I need to confirm why I'm making the request?

A No. You do not have to justify your reasons for your request.

Q What are my rights under the EIR?

A Under EIR we are required to:-

- Advise you of your rights.
 - Offer guidance and support to assist you with your application.
 - Advise you of where the information is held and how it can be accessed.
 - Regularly update you on progress with your request.
 - Notify you of any charges, where applicable.
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Q How do I make a request?

A Requests for Environmental Information can be made either:-

- by email: freedomofinformation@wakefield.gov.uk
 - by letter:-
Freedom of Information,
Information Governance,
Wakefield Council,
County Hall,
Wakefield WF1 2QW
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Q How long does an authority have to respond to EIR requests?

A All EIR requests must be responded to in writing within 20 working days, unless there are exceptional circumstances where the information requested has been of a complex and voluminous nature. In cases where the response period has had to be extended by a further

20 working days, notification must be sent to you informing you of this delay during the first 20 days of your initial request.

If your initial request is unclear or ambiguous we will contact you for further information and advise you that the 20 working period has been suspended and will not recommence until we receive clearer instructions.

Q Can environmental information be withheld?

A Regulation 12 of the Environmental Regulations does provide local authorities with exceptions to withhold information. These exceptions are not mandatory but they are subject to a public interest test.

Q What is a public interest test?

A There are a number of exceptions but if the information is in the interest of being in the public domain then disclosure should go ahead.

A typical example of when a public body may withhold information is that of a nesting location for a rare bird species. In this case, disclosure may threaten the existence of the bird species.

Q What sort of information is covered by the EIR exceptions?

A There are a number of reasons of why disclosure may be refused. Requests may be:-

- Considered manifestly unreasonable.
 - Be incomplete/part complete or not available.
 - The information being requested may be in the course of being produced or finished.
 - The information being requested may adversely affect intellectual property rights or the interests of the supplier or Council.
 - Other exceptions relating to Defence, International Relations, National Security and the Administration of Justice may all play a role in refusal.
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Q Do I have to pay a fee for environmental information?

A Under EIR the Council can make no charges for access to the following:-

- Public registers
- On site inspections

The Council's charging policy is in line with the Department for Environment, Food and Rural Affairs (DEFRA) Guidance. All requests below £450 (based on 18 hours at £25 per hour) are provided free of charge and the same limits are used for EIR requests (although the Council will charge any disbursement costs for communicating the information which are over and above £15).

For requests above the appropriate limits (£450), the Council will charge for them, but only after the Applicant was offered advice and assistance to make the request smaller so that it could be processed free of charge.

Q If a charge is required when will I have to pay?

A If a fee is required a Fees Notice will be sent to you confirming the necessary charges. All charges must be paid within 60 working days of you receiving your notice or the request will automatically be cancelled.

Q What format is the information available in?

A We may be able to supply the information in another format i.e. Braille, large type or another language but this must be clearly communicated in your request and may incur an additional charge.

Q How many requests can I make?

A The EIR does not specifically limit the number of requests that you can make but the authority does have the right to refuse vexatious or repeated requests.

Q Does Wakefield Council have a duty to disclose only environmental information it produces?

A No. Under the EIR regulations any environmental information that the Council holds can be accessed regardless of who produced it or owns it.

Q What happens if Wakefield Council does not have the information requested?

A If Wakefield Council does not hold the information you requested but believes another public authority does we will contact you to ask if you wish the Council to transfer the request to another authority.

If Wakefield Council cannot respond to your request and has exhausted all its potential possibilities to obtain the information we will simply send you a refusal notice stating that we do not hold the information.

Q What do I do if my Environmental request is refused?

A If your request is refused you can appeal against this decision by asking for an internal review, where a Senior Legal Officer, member of the Exemptions Panel but not involved in the original review, will assess your case. All internal reviews must be requested within 40 working days of you receiving a refusal notice. If this situation arises, we have 20 working days to acknowledge your request and confirm a final decision. Please see the FOI/EIR Complaints Policy in Downloads.

Q What happens if the Environmental request is refused at the Internal Review stage?

A If you are unhappy with the decision of the Internal Review, you can write to the Information Commissioner to appeal against the decision. You should do this as soon as possible and certainly within 2 months of receiving the decision notice from us. More information about the work of the Commissioner is contained in the Information Commissioner's Office section.

The Information Commissioner can be contacted at the following address:-

EIR/FOI Complaints
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Website: www.ico.org.uk

Q What does the Commissioner do once a complaint has been made?

A The Information Commissioner has 28 days to review your appeal and notify you of his decision.

Please be aware that the Information Commissioner will only consider applications that have exhausted the Council's internal review/complaints procedures.

Q What are the implications of Copyright ?

A The supply of documents under the EIR does not give the person or organisation who receives them an automatic right to re-use the documents in a way that would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.

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Telephone 01924 305384.

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