

St Albans City & District Council
Environmental Information Regulations Policy

1. Introduction

- 1.1 St Albans City & District Council (the Council) is committed to openness and accessibility regarding the provision of information in support of the legislative requirements of the Environmental Information Regulations (EIR) 2004 (the Regulations).
- 1.2 This policy confirms the Council's commitment to ensuring that there will be a presumption in favour of disclosure, subject to any exceptions, under the Regulations. A culture of transparency and accountability exists in the provision of information unless the balance of public interest lies in withholding it.

2. Scope

- 2.1 The policy should be read in conjunction with the Environmental Information procedures developed by the Council, which detail the responsibilities of Officers and the requirements and reporting procedures under the legislation.
- 2.2 Access to the following information is covered by other legislation:
- All other information not "environmental" under EIR will be dealt with under Freedom of Information Act 2000;
 - "Personal data" concerning living persons from which an individual can be identified under General Data Protection Regulation (GDPR), Law Enforcement Directive (LED) and the Data Protection Act 2018 (which replaces the Data Protection Act 1998).
- 2.3 The definition of "environmental information" encompasses information in any form:
- On the state of the elements of the environment and the interaction among those elements, including:
 - Factors, measures or activities affecting or likely to affect the environment or designed to protect it;
 - Cost benefit and economic analysis used within the framework of such measures or activities;
 - The state of human health and safety including contamination of the food chain, conditions of human life, cultural sites and built structures in as much as they are, or may be, affected by any of those matters.
 - Elements of the environment include air and atmosphere, water, soil and land, landscape, natural sites including wetlands, coastal and marine areas, biological diversity and its components including genetically modified organisms.
 - Factors affecting or likely to affect the elements include substances, energy, noise, radiation, waste, radioactive waste, emissions, discharges and other releases.
- 2.4 The Regulations state that there is an express presumption in favour of disclosure and all the exceptions are subject to a public interest test except for Regulation 13 relating to personal data.
- 2.5 The Regulations allow public authorities to charge for providing copies of environmental information but any charge must be reasonable and will be one that covers the actual costs incurred in producing the information. Charges for

environmental information are set out in the Environmental Information policy – Charging Policy published under Regulation 8 of the EIR.

- 2.6 No charge can be made for inspection of the information or for accessing public registers or lists of environmental information.
- 2.7 The 20 working day time limit can be extended to 40 working days if the complexity and volume of the request means that the 20 day deadline cannot be complied with.

3. Key Commitments

3.1 The Council will:

- Adopt the Publication Scheme and maintain a comprehensive **Guide to Information** that indicates what information is readily accessible, without the need for a EIR request;
- Seek to acknowledge all EIR requests within **3 working days**;
- Respond promptly and fully within the **20 working days** specified by the EIR (subject to 2.7 above) (which commences the day after the receipt of the request);
- Inform the requester if delays may occur where clarification or fees are required to process the request;
- Consider the exceptions provided in the EIR and where they do not apply, disclose the information
- Consult with third parties (e.g. contractors) before disclosing information that could affect their rights and interests, whilst retaining the final decision on disclosure;
- Record all requests and responses and monitor performance in handling requests and internal reviews;
- Adhere to the Code of Practice issued under Regulation 16 on the discharge of the obligations of public authorities under the Regulations;
- Charge for information requests, where applicable, in line with the **EIR Fees Regulations** or other applicable regulations and the Council's Environmental Information policy – fees and charges 2017/18;
- Ensure that there is a Senior Officer with specific responsibility for Environmental Information in the organisation;
- Ensure that all staff (permanent, temporary, contract or other) and elected Councillors are aware of their obligations under the Regulations through appropriate guidance/training;
- Acknowledge and process all requests for an Internal Review in accordance with the Internal Review Procedure.

4. Review

4.1 This policy and the associated procedures will be subject to annual review.

Author	
Policy created & reviewed	September 2011 Reviewed December 2013, September 2015, March 2017, March 2018. May 2018, November 2019
Policy created by	Regulatory Solicitor & Complaints and Information Assurance Officer
Policy review due	November 2020