
Environmental Information Regulations (EIR)

'Environmental Information' is exempt from the Freedom of Information Act 2000 and must be released or withheld under these regulations.

What is Environmental Information?

'Environmental Information' covers information on:

- **The state of the environment:** such as air, water, soil, land, flora and fauna and diversity including information on genetically modified organism
- **Emissions and discharges:** such as noise, energy, radiation, waste and other such substances
- **Measures and activities:** such as policies, plans and agreements, reports, cost benefit and economic analyses
- **The state of human health and safety:** including contamination of the food chain
- **Cultural sites and built structures:** as they may be affected by environmental factors

Who can request information and from which bodies?

The regulations allow anyone to request environmental information.

They can make the request to public authorities and those bodies carrying out a public function eg NHS hospitals, councils and privatised utility companies.

How can the request be made?

A request can be a verbal request or can be written including by e-mail.

When can the requester expect a reply?

A request must usually be answered within 20 working days of receipt of the request; however, this may be extended to 40 working days if the request is complex.

If the Trust receives a request that is 'too general', the Trust will contact the requester as soon as possible to try to determine exactly what information they would like.

What format will the reply be in?

When making a request, the requester may state a preference as to the form/format in which they would like the information to be provided.

How will the Trust 'list' what is available?

Information which is routinely publicly available can be found within the Trust's Freedom of Information Act Publication Scheme.

Are there any exemptions to release of information?

There are exemptions under the Regulations. These include where release of the information would adversely affect national security or commercial interests. However, the regulations require the application of a public interest test for all exemptions.

Unlike the Freedom of Information Act, there is an exemption to disclosure where disclosure would adversely affect the interests of a third party who was not legally obliged to provide information to the Trust, which the Trust would not otherwise be legally entitled to disclose and the third party has not consented to such disclosure.

There are also exemptions that are not covered under the Freedom of Information Act such as exemptions to disclosure in respect of internal communications and where disclosure would adversely affect intellectual property rights or the protection of the environment.

If the Trust refuses to disclose all or part of the information requested, the Trust must state in writing what exemption the information falls under, and justify its decision that the exemption should be applied.

Applicants will have the right to appeal the decision, initially to the Trust itself then, if they remain dissatisfied, to the Information Commissioner.

If you are not happy with the reply what must you do?

Under the Regulations, an applicant has only 40 working days to make written representations to the Trust from the date you believe the Trust has failed to deal with a request.

The Trust must respond to the complaint within 40 working days.

Can the Trust charge for the supply of information?

In a similar manner to the Freedom of Information Act 2000, the EIR allow for charges to be applied for the supply of information; however, such charges still await ratification by the legislature.

Whom should I contact for advice?

Requests under both acts are managed by the Trust's Data Awareness Manager, who can also provide advice for requesters and staff.

Requests that are solely under the EIR Act will be forwarded to the nominated member of staff: Project Manager Service Development, The Estates & Facilities Department.