

## **Environmental Information Regulations 2004**

The Environmental Information Regulations 2004 give the public rights of access to environmental information held by public authorities and promote the release of as much environmental information as possible to enable increased public participation in environmental decision making. The Environmental Information Regulations 2004 are based on Directive 2993/4/EEC and came into force on the 1<sup>st</sup> January 2005 to coincide with the Freedom of Information Act 2000.

The definition of environmental information is very wide and can cover information which may not at first appear to be environmental but relates to the environment.

- Information about air, water, soil, land, flora and fauna, energy, noise, waste and emissions
- Any decisions, measures and activities affecting or likely to affect any of the above
- Financial and cost benefit analysis used in relation to the above
- Information about human health and the food chain, built structures and cultural sites

### **Who is covered by the Environmental Information Regulations?**

- All public authorities as listed in Schedule 1 of the Freedom of Information Act 2000
- Bodies that are under the control of public authorities
- Bodies that have responsibility and exercise functions or provide a public service relating to the environment

### **Who can make a request under the Environmental Information Regulations?**

- Anyone can request environmental information from a public body
- Requests can be in any format, written or oral.

### **Can a request be refused?**

There is a presumption under the regulations that environmental information must be released unless there are legitimate reasons to withhold it. The exceptions are listed in Schedule 12 and are subject to a public interest test (weighing up whether it serves the interests of the public to disclose or withhold the information)

A request for information can be refused if:

- The information is not held
- The request is manifestly unreasonable
- The request is too general
- The request is for unfinished documents/data
- The request is for internal communications

The Trust can refuse to release information in order to protect:

- The confidentiality of proceedings
- International relations/public security/defence
- The course of justice and right to a fair trial

- Commercial confidentiality
  - Intellectual property rights
  - Personal/voluntary data
  - The environment
- If information relates to emissions the authority cannot refuse on the grounds of confidentiality of proceedings, commercial confidentiality, personal/voluntary data or environmental protection.

### **Is there a charge?**

Public authorities may charge for environmental information in line with the Freedom of Information fee regime as specified in the Appropriate Limit and Fees Regulations 2004. The appropriate limit for the NHS is £450. Information costing below this figure will be provided free of charge. Applicants will be advised if a charge is to be made or if a request could be simplified to bring it in line with the Freedom of Information free of charge category. Payment is required before disclosure is made.

### **How to apply**

You may apply in writing either by letter to the Estates & Facilities Management Directorate, Torbay Hospital, Newton Road, Torquay TQ2 7AA, or by email to martin.lovell@nhs.net or fax 01803 654438 clearly describing the nature of the information requested. You may also apply by telephone 01803 654419. You can request information to be supplied to you in a specified format and we will endeavour to comply with your preference. The Trust is required under the Regulations to respond within 20 working days unless an exception is being considered. Applicants will be kept informed.

### **Complaints**

If an applicant is dissatisfied with the way their request has been handled they should apply within 40 days for a review under the Trust's internal complaints procedure. The complaint will be dealt with within 40 days. If still dissatisfied, a complaint may be made within 40 days to the Information Commissioner's Office.

### **Further information**

Further information on the Environmental Information Regulations 2004 can be obtained from:

<http://www.defra.gov.uk/corporate/opengov/eir/guidance/index.htm>

<http://www.opsi.gov.uk/si/si2004/20043391.htm>

[http://www.ico.gov.uk/what\\_we\\_cover/environmental\\_information\\_regulation/legislation\\_in\\_full.aspx](http://www.ico.gov.uk/what_we_cover/environmental_information_regulation/legislation_in_full.aspx)

[http://www.ico.gov.uk/upload/documents/library/environmental\\_info\\_reg/introductory/what\\_is\\_environmental\\_information.pdf](http://www.ico.gov.uk/upload/documents/library/environmental_info_reg/introductory/what_is_environmental_information.pdf)