



## **Environmental Information Regulations Policy Summary**

This policy forms part of the council's data and information handling policies and should be read in conjunction with the Data Protection Act and Freedom of Information Act Policies.

This policy has been written to ensure that the council complies with its obligations and requirements under the Environmental Information Regulations.

This policy seeks to establish a standard set of conditions, and a framework for transparency of information within the Council. The Policy is designed to ensure that there are clear internal arrangements for the effective management of information transparency.

Due to the complementary nature of these regulations with the Freedom of Information Act this policy outlines the differences between them. The Freedom of information Act policy must be read in conjunction with this policy.

<b>Date of Policy:</b>	26 April 2010
<b>Policy Owner:</b>	Geoff Jones
<b>Ratified by:</b>	EMT
<b>Next Review Date:</b>	April 2011



**Great Yarmouth Borough Council**  
**Environmental Information Regulations Policy**

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Date	26 April 2010
Version	1.0
Document Status	Final

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## **1.0 INTRODUCTION**

This policy forms part of the council's data and information handling policies and should be read in conjunction with the Data Protection Act and Freedom of Information Act Policies.

### **1.1 POLICY RATIONALE**

This policy has been written to ensure that the council complies with its obligations and requirements under the Environmental Information Regulations.

The Council is of the view that there is a need to ensure that an agreed standardised approach is being taken to information transparency, in order to ensure compliance with legal and audit requirements.

This policy seeks to establish a standard set of conditions, and a framework for transparent information within the Council.

### **1.2 SCOPE**

This Policy will apply to all Council employees.

### **1.3 PRINCIPLES**

The Policy is designed to ensure that there are clear internal arrangements for the effective management and release of information.

Environmental Information held by Great Yarmouth Borough Council can be requested under the Environmental Information Regulations. This is a complimentary, but separate piece of legislation to the Freedom of Information Act. Environmental Information is classified as exempt under the FOI Act simply because the EI Regulations should be used to access the information instead. It is the public authority's duty to determine what type of information is being requested, and therefore which legislation a request falls under.

## **2.0 ENVIRONMENTAL INFORMATION REGULATIONS POLICY.**

### **2.1 Introduction**

The main differences are:

- Unlike under the FOI Act, requests for Environmental Information do **not** have to be in writing, although it is generally recommended that having a written record for both parties to refer to is often helpful,
- The definition of when information is “held” differs slightly. Under the Regulations, holding information on behalf of any other person is also included,
- The deadline for compliance can be extended from 20 working days up to 40 working days in certain cases,
- There is no “appropriate limit” under the Regulations. A request therefore cannot be refused on account of its complexity or size (unless it is considered to be “manifestly unreasonable”). However, public authorities are allowed to charge a “reasonable amount” for supplying the information. Further details can be found in the EIR schedule of charges.
- The “exceptions” regarding disclosure under EIR are different to the “exemptions” under the FOI Act. Please see 2.2 on exceptions below for more details.

The Environmental Information Regulations 2004 specify circumstances where a public authority is not obliged to disclose information. These are referred to as “exceptions”. **However, any use of an exception is subject to a public interest test.**

### **2.2 Exceptions**

Great Yarmouth Borough Council is not obliged to release information if:

- it constitutes personal data
- the information is not held when an applicant's request is received
- the request for information is manifestly unreasonable
- the request for information is formulated in too general a manner

- the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data;
- the request involves the disclosure of internal communications.

Environmental Information would also not be disclosed if its release would adversely affect:

- international relations, defense, national security or public safety;
- the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature;
- intellectual property rights;
- the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law;
- the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;
- the interests of the person who provided the information where that person was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;
- the interests of the person who provided the information where that person did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it;
- the interests of the person who provided the information where that person has not consented to its disclosure;
- the protection of the environment to which the information relates.

### **2.3 Definition Of Information Captured By The Environmental Information Regulations**

Environmental Information under the Regulations is defined as any information in written, visual, aural, electronic or any other material form on:

- The state of the elements of the environment: air, water, soil, the landscape, natural sites, and biological diversity (including genetically modified organisms)

- Factors affecting, or likely to affect, the environment, such as substances, noise, radiation, emissions, discharges and waste released into the environment
- Measures such as policies, legislation, plans, programmes, agreements, and activities affecting the environment, and related cost-benefit and other economic analyses
- Reports on the implementation of environmental legislation
- The state of human health and safety, including contamination of the food chain
- The state of human health and safety and conditions of human life, so far as they are affected by the elements of the environment and by factors, measures or activities affecting the environment
- Cultural sites and built structures, so far as they are affected by the elements of the environment and by factors, measures or activities affecting the environment

### **3.0 IMPLEMENTATION AND COMPLIANCE**

#### **3.1 IMPLEMENTATION**

This policy will initially be implemented through the Chief Executive and Corporate Directors of the Council.

A memo will be sent to all employees to make them aware of the policy.

It is the responsibility of managers to ensure that new staff receive information about this Policy, and should be part of any local induction where appropriate. Human Resources will add the Policy to its list of policy issues provided to any new starters. Managers must also ensure that any changes to this policy are effectively communicated within their areas of responsibility.

#### **3.2 COMPLIANCE**

Managers are responsible for ensuring that staff are aware of the location of this policy. In addition, Managers are responsible for keeping staff up to date about any changes within the policy.

All staff are obliged to adhere to this Policy.

### **4.0 EQUALITY IMPACT ASSESSMENT**

There are no Equality Impact issues with this policy; however specific procedures used to enact the policy must be evaluated separately.

### **5.0 HEALTH AND SAFETY**

There are no Health and Safety implications with this policy.

### **6.0 REFERENCE DOCUMENTS**

This Policy should be read in conjunction with the following legislation, regulations and Council policies:

- Data Protection Act Policy
- Freedom of Information Act Policy

## **7.0 DISTRIBUTION**

This Policy will be available for all the Council's designated locations. Copies will also be available from the 'I' drive and on the Council's Internet and Intranet web sites.

## **8.0 REVIEW**

This Policy will be reviewed on an annual basis with the next review date being 2011.