



Response to Request for Information

Reference EIR 011672
Date 13 January 2016

Public Register of Food Establishments

Request:

REGULATION (EC) No 882/2004: Article 31 (2)(F) - requires the Council to make available to the public the contents of the register of food establishments. This is irrespective of FOI legislation.

In addition to the above we are requesting data (outside of the public register but held by the LA) under FOI.

Purpose of request

The purpose of this request is for research purposes on businesses operating in the food sector, it is not in any way focused on the individuals, we are interested in the performance of the sector and understanding industry issues and researching relevant industry developments with food business operators. Their individual identities are irrelevant, we are interested in the business function.

Request:

We would like an extract from the Public Register of Food Businesses in the local authority's region with the following information on all food businesses:

1. Business Name
2. Business Address Line 1
3. Business Address Line 2
4. Business Address Line 3
5. Business Address City
6. Business Address Post code
7. Business Email address
8. Business Telephone number
9. Type of food business / usage

We have considered your Freedom of Information Request above. Under Section 39 of the Freedom of Information Act 2000, the Council are not obliged to disclose the information as it would fall under the definition of Environmental Information as set out in the Environmental Information Regulations 2004.

Section 39 of the Freedom of Information Act states the following:

- 1) Information is exempt information if the public authority holding it –
 - a. Is obliged by (environmental information regulations) to make the information available to the public in accordance with the regulations, or
 - b. Would be so obliged but for any exemptions contained in the regulations.

Therefore I am going to be considering your request for information under the Environmental Information Regulations 2004 (EIR).

Environmental Information is:

Any information in written, visual, aural, electronic or any other material form on –

- a) The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements.
- b) Factors such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a)
- c) Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements.
- d) Reports on the implementation of environmental legislation.
- e) Cost benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- f) The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c)

As you are asking for information relating to register of food establishments, this will fall within the definition of Environmental Information as set out in f) as it relates to food chains.

Under Regulation 6(1)(b) of the EIR, it states the following:

6(1) Where an applicant requests that the information be made available in a particular form or format, a public authority shall make it available unless –

- a) It is reasonable for it to make the information available in another form or format; or
- b) The information is already publicly available and easily accessible to the applicant in another form or format.

Under Regulation 6(1)(b) Information is already publicly available and easily accessible, specifically:

- a. The Council participates in the Food Standards Agency (FSA) National Food Hygiene Rating Scheme, and as part of this scheme the Council is

required to make certain information relating to the food premises within the borough boundaries available to the public via the Internet. The information requested, excluding the telephone numbers and email addresses, is freely available on the [FHRS](#) website:

<http://ratings.food.gov.uk/>

- b. A list of the premises 'Approved' under Regulation (EC) no 853/2004 is also available on the website

The information relating to email addresses and telephone numbers may contain unknown personal information (e.g. personal mobiles, personal email addresses, and personal home telephone numbers), therefore this information is not available to be provided and falls under the exception of Regulation 12(3) and 13.