

## Response to Request for Information

Reference      FOI 000868  
Date            9 February 2017

### ***EIR Requests***

#### **Request:**

1. How many requests for environment information as per the EIR 2004 were made to your LA in January 2016- December 2016?  
[119 requests were made between the time period above.](#)
2. How many of these requests under the EIR 2004, were you able to respond to within the time limit of 1 month?  
[All requests were responded to within the statutory timeframe.](#)
3. Please find below the grounds of which a request can be refused as per Sections 3, 4, 5 and 6 of the EIRs 2004. How many requests under the EIRs 2004, as per the sections, were refused? (Please say how many requests were refused individually for each section. I.e. 10 were refused for '*The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest*'.)

Section 3: A request for environmental information may be refused if:

- (a) the environmental information requested is not held;
- (b) The request is manifestly unreasonable or formulated in too general a manner; or
- (c) The request concerns material in the course of completion or concerns internal communications of public authorities where such an exemption is provided for in national law or customary practice, taking into account the public interest served by disclosure.

Section 4: A request for environmental information may be refused if the disclosure would adversely affect:

- (a) The confidentiality of the proceedings of public authorities, where such confidentiality is provided for under national law;
- (b) International relations, national defence or public security;
- (c) The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;
- (d) The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for

the protection of the environment shall be disclosed;

(e) Intellectual property rights;

(f) The confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in national law;

(g) The interests of a third party which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material; or

(h) The environment to which the information relates, such as the breeding sites of rare species.

The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information requested relates to emissions into the environment.

Section 5: Where a public authority does not hold the environmental information requested, this public authority shall, as promptly as possible, inform the applicant of the public authority to which it believes it is possible to apply for the information requested or transfer the request to that authority and inform the applicant accordingly.

Section 6: Each Party shall ensure that, if information exempted from disclosure under paragraphs 3 (c) and 4 above can be separated out without prejudice to the confidentiality of the information exempted, public authorities make available the remainder of the environmental information that has been requested.

2 requests were closed – clarification was sought and no response was provided by the requester.

3 requests were refused under Regulation 12 (4) (b) – manifestly unreasonable.

2 requests were refused under Regulation 12 (4) (a) – information not held.

4. As per Section 8 of the EIRs 2004 outlined below. How many requests were charged within your Local Authority?

Section 8: Each Party may allow its public authorities to make a charge for supplying information, but such charge shall not exceed a reasonable amount. Public authorities intending to make such a charge for supplying information shall make available to applicants a schedule of charges which may be levied, indicating the circumstances in which they may be levied or waived and when the supply of information is conditional on the advance payment of such a charge.

None

Finally, have you got anything you would like to add regarding the application of the Environmental Information Regulations 2004?

## Section 2

1. How many requests for environment information as per the EIR 2004 were made to your LA in January 2005- December 2005?

In respect of your above question, it has been established after careful consideration that the Council does not hold the above information. Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

2. How many of these requests under the EIR 2004, were you able to respond to within the time limit of 1 month?

Please see our response to question 1 in Section 2 above.

3. Please find below the grounds of which a request can be refused as per Sections 3, 4, 5 and 6 of the EIRs 2004. How many requests under the EIRs 2004, as per the sections, were refused? (Please say how many requests were refused individually for each section. I.e. 10 were refused for *'The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest'*.)

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- (e) Intellectual property rights;
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where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in national law;

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[Please see our response to question 1 in Section 2 above.](#)

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[Please see our response to question 1 in Section 2 above.](#)