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**East Lindsey**  
DISTRICT COUNCIL

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# **Environmental Information Regulations Policy**

## Document Control

Organisation	East Lindsey District Council
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## Revision History

Revision Date	Reviser	Previous Version	Description of Revision
16 <sup>th</sup> July 2014	Samantha Stocks	1.0	The Officer responsible for Internal Reviews has changed
19 <sup>th</sup> March 2015	Samantha Stocks	1.1	The Officer responsible for Internal Reviews has changed
19 <sup>th</sup> August 2019	Alison Sparks	1.2	Policy Refresh

## Introduction

The Environmental Information regulations 2004 (EIR) came into force on 1<sup>st</sup> January 2005.

The EIR gives certain rights of access to environmental information to the public.

The definition of information captured by the EIR 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)'*

The EIR applies to all information held by the Council including information held on behalf of another person or organisation. The EIR also applies to information held by another person or organisation on our behalf, including contractors and partner organisations.

Requests for information can be made verbally, as well as in writing, and must be responded to within 20 working days (although the deadline can be extended to 40 working days in certain cases) Requestors have a right to be informed whether the information requested is held by us and if so, to be provided with that information subject to certain exceptions.

The EIR also requires public bodies to progressively make environmental information available to the public, to publish this information on the internet and to take reasonable steps to organise environmental information to make it easier to access and publish.

A request may be refused on account of complexity or size if it is considered to be 'manifestly unreasonable'. This is determined as a request which would require more than 18 hours to extract and provide the information.

We may charge a 'reasonable amount' for supplying environmental information where it is deemed appropriate. Any charges will be made in line with ICO Guidance.

## **Roles and Responsibilities**

The Information Governance Officer (IGO) is the person who has specific responsibility for the Council's compliance under the EIR, and the implementation, compliance and maintenance of this policy.

However, it is the responsibility of all employees to ensure that all requests for Information are forwarded to the IGO without delay, whether they specifically say it is a request under the FOIA / EIR or not, and that any requests from the IGO for information are complied with in an expeditious manner, and by no later than the deadline date given.

## **Purpose**

The purpose of this policy is to ensure that the provisions of the EIR are adhered to and in particular that:

- Environmental information is proactively disseminated through our website and that requests for information on a particular subject are monitored and considered for addition to our Publication Scheme.

- Requestors seeking information are offered advice and assistance to make their requests and to help them understand the information they receive.
- Requests for information are responded to promptly and within statutory timescales.
- A presumption in favour of disclosure is applied to all requests for information
- The application of exceptions and the public interest test will be undertaken by the IGO and information will only be withheld if a valid exception applies and disclosure is not in the public interest.
- Requestors will be kept informed of any delays which might occur
- Requestors are informed of any charges which are likely to be made
- All requests under the EIR will be logged so that information can be identified and added to the Publication Scheme at the annual review.
- Quarterly reports will be published reporting the timeliness of our EIR responses from Quarter 1 2014/15 (approximately July 2014)

## **Internal Reviews and Appeals**

Anyone who has made a request for information and who is not satisfied with the information disclosed, or the way the request has been handled is entitled to request an Internal Review.

Internal Reviews will be carried out by the Council's Senior Information Risk Owner (SIRO), Alison Penn, who will consider whether or not the request was handled appropriately and in line with the EIR.