



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Environmental Information Regulations

Environmental information: a guide for requesters

You have a legal right to request any recorded information held by a public authority. Requests for environmental information must be dealt with according to the Environmental Information Regulations 2004 (EIR), and requests for other information according to the Freedom of Information Act 2000 (FOIA). It is the public authority's responsibility to know which rules apply.

This guidance is for members of the public and explains what you can expect if you make a request for environmental information to a public authority.

Making a request for information

You have a legal right to request any recorded information held by a public authority, such as a government department, local council or state school. You do not have to know whether the information is environmental – it is for the authority to work this out. You may also be able to request environmental information from some other organisations, including bodies with public responsibilities or bodies that provide public services in relation to the environment.

To request environmental information, you must contact the relevant authority directly. There are no restrictions on how you make the request.

- You can make your request in writing, over the phone or in person. However, it is most helpful to make the request in writing so that you and the authority have an accurate record of the request.
- You can make a request to any member of the authority's staff.
- You do not have to give your name, contact details, or any reason for wanting the information.

The authority must reply in writing, so you will need to provide some way for it to do this. The most practical way is to give a postal or email address.

For more advice, see our guidance on [Making a request for information](#).

How can I tell if the information is environmental?

You don't need to know whether information is environmental to make a request to a public authority. You can make a request for information that is a mixture of environmental and other information. The authority should work out which law applies and let you know.

However, you may wish to read our guidance on [What is Environmental Information?](#)

If you think the authority has handled your request wrongly because it has not applied the right law, you should first complain to the authority. If you are still not satisfied, you can complain to the ICO.

Can I ask for the information in a particular format?

Yes. You can ask to have the information in a particular form or format, for example electronically, as a paper copy, or as a summary. The public authority should provide it in your chosen format, unless it would be more reasonable to provide it in a different form or format. For example, it may not be able to send very large computer files by email. Also, the public authority does not have to provide the information in a particular form or format if it is already publicly available and easily accessible to you in another format.

You can ask the authority to let you come and look at the information.

When can I expect a response?

The public authority should reply as soon as possible, and must respond within 20 working days. It is allowed up to a further 20 working days if the request is complex and you have asked for a lot of information. If the authority needs this extra time, it must tell you so within 20 days of your request and let you know when you can expect a final response.

Please note that the time limits are different for information that is not environmental. These time limits are covered in our guidance on [Time for compliance](#).

If you have not received a final response within the time allowed, you should remind the authority of the time limit. If you still don't receive a response, you can complain to us.

Will I receive all the information?

You may not always receive all the environmental information you have asked for. The main reasons why the public authority may refuse all or part of the request are:

- the authority doesn't have the information you asked for;
- your request is too general;
- the information does not have to be released because of an "exception" under the EIR; or
- the request is "manifestly unreasonable". This can be because it is vexatious or because it would cost the authority an unreasonable amount to deal with it.

If the public authority refuses all or part of your request, it should explain why. It should also explain that the information is environmental information and that it has considered your request in line with the EIR.

The authority has a general duty to advise and assist you. This could include helping you to re-word your request or make a new request that is more likely to succeed. The authority may also suggest other information that you may be interested in.

The public authority doesn't have the information

If the authority doesn't have the information you have asked for, it should tell you this in writing within 20 working days. If it believes that another public authority has the information, it should either ask your permission to pass your request to the other authority or give you its name and address so that you can send your request there.

Your request is too general

If your request is very general, the public authority may ask you to re-word or explain your request. However, it should help you do this. For example, it could list the sorts of information you may be interested in. It should not just refuse your request.

If you give the authority the further information it needs, it then has 20 working days to respond to your request.

Manifestly unreasonable

The authority may say that the request is manifestly unreasonable if:

- it would take a disproportionate amount of time and money to comply with your request; or
- it believes your request is vexatious.

An authority should not normally take into account who you are or the reason you want the information. However, it may decide your request is vexatious because of what it already knows about you and your likely purposes in making the request.

An authority must not refuse your request simply because it doesn't think you have any reason to be interested in the information, for example because you live outside the local area.

Exceptions

There are a number of reasons why the authority may not give you the information. For example:

- the information is personal to someone else and it wouldn't be fair to release it;
- disclosing the information would put national security at risk; or

- the information is confidential and commercially sensitive.

In almost all cases, the authority must also consider whether the public interest in keeping the information secret outweighs the public interest in making it available. You can find out more about the exceptions in our [Introduction to the exceptions](#).

If the public authority is relying on an exception to withhold the information, it should explain this to you and also explain why the public interest in withholding the information is stronger than the public interest in releasing it. In most cases, the authority should still tell you whether it does have the information. It may only refuse to tell you this if it is refusing to disclose information on the grounds of international relations, defence, national security or public safety.

Do I have to pay for the information?

The authority is allowed to charge you a reasonable amount. Public authorities should publish a “schedule of charges” explaining when they will charge for environmental information and how much.

- The authority should only charge you for copies, not for looking at the information (“inspection”).
- In most cases, the authority can only charge for its costs in producing a copy, for example the cost of photocopying. The authority cannot charge you for its staff time.
- In some circumstances, the authority may be able to charge a commercial rate.

You can find out more in [Charging for environmental information](#).

If the authority charges a fee, you have 60 days in which to pay. The authority does not have to comply with the request if it has not received the payment within 60 working days.

What should I do if I’m not happy?

If you are not happy with the authority’s response to your request, you can ask it to reconsider. Every public authority must have a complaints procedure relating to the EIR. If the authority refuses your request for information, it must tell you how to complain. You can make a complaint even if the authority says it has complied with your request in full, for example if you feel it is charging an unreasonable amount or if you believe it has more information than it has given you. If necessary, you can send supporting evidence to the authority. For example, you may have an earlier letter from the authority referring to a report which the authority now says doesn’t exist.

If you want to complain, you must do so within 40 working days of the response. If the authority has never replied to your request for information,

you should complain within 40 days of the date it should have first responded; that is, within 60 days of your request.

The authority should deal with your complaint within 40 working days. It must let you know whether it accepts that your request was handled wrongly, and if so what it will do to put this right.

If you are still not satisfied, you can complain to the ICO. See our website for [when and how to complain](#).

More information

You can find more guidance on our website. If you need any more information about this or any other aspect of freedom of information, please contact us.

Phone: 08456 30 60 60
01625 54 57 45

Email: please use the online [enquiry form](#) on our website

Website: www.ico.gov.uk