



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

Environmental Information Regulations

Routinely publishing environmental information

The Environmental Information Regulations 2004 (EIRs) give rights of public access to information held by public authorities. This is part of a series of guidance notes to help public authorities understand their obligations and to promote good practice.

This guidance will explain how to meet your obligations to publish certain sorts of environmental information online. This guidance applies to all authorities subject to the EIRs, including those which are not covered by the Freedom of Information Act 2000 (FOIA).

Overview

Authorities covered by the EIRs are must organise their records and routinely publish certain information on an ongoing basis. In most cases this should be done through easily accessible electronic means. This is separate from the duty to make information available in response to individual requests.

Those authorities which are covered by FOIA and EIRs should consider integrating environmental information into their publication scheme.

What do the Regulations say?

Under Regulation 4, a public authority must:

- progressively make environmental information available to the public;
- publish this information on the internet, in most cases; and,
- take reasonable steps to organise its environmental information to make it easier to access and publish.

The minimum information which must be published is listed in Article 7(2) of the European Directive 2003/4/EC. This includes:

- Legislation, treaties and conventions relating to the environment
- Policies, plans and programmes relating to the environment
- Progress reports prepared or held by public authorities on the implementation of environmental legislation or policies
- Reports on the state of the environment
- Data derived from monitoring activities which affect or are likely to affect the environment
- Authorisations with a significant impact on the environment
- Environmental agreements
- Environmental impact studies and risk assessments

The authority must also publish facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals.

What information should be made available?

The public authority must make available any information which falls into Article 7(2) as listed above unless:

- the authority doesn't hold this information;
- the information would be exempt from disclosure under one of the EIRs exceptions; or,
- the disclosure would be in breach of the Data Protection Act 1998.

It is useful to record why you believe particular information is exempt, in case you are challenged.

In publishing facts and analysis which form the background to policy, the authority should make its own reasonable judgement as to whether a policy proposal is "major". If you have received, or expect to receive, a number of requests for information about a particular policy, this may be an indication that the information should be published.

How should information be made available?

- The Regulations say that information should be "progressively made available". This means it should be actively published and that it should be updated and added to as more information is created.
- Under the Regulations information produced after 1 January 2005 should be published electronically. Information which was produced before 1 January 2005 and is held only in a non-electronic format may be made available in hard copy. Information published online should be organised so that it is easily accessible and searchable.
- Where information is already available online, it is sufficient to provide a link. For example, relevant legislation could be listed with links to the text on the website www.opsi.gov.uk.
- There is no obligation under EIRs to provide a hard copy version on request if the information is publicly available and easily accessible to the requester in electronic form. However, you should consider providing a hard copy version if the individual cannot access the electronic version.
- You should also be aware of any obligations you may have under equality legislation, for example, to make reasonable adjustments for those with disabilities.

Environmental information and publication schemes

Public authorities subject to the FOIA are required to adopt the Information Commissioner's model publication scheme. Full details of this are available on the [ICO website](#).

- We will expect the guide to information to include at least the minimum environmental information required by the EIRs.
- Environmental information may fall within any of the classes on the publication scheme, or may be included in documents which are not primarily environmental. There is no need to treat environmental information as a separate class.
- The guide to information should also include any public registers of environmental information which the public authority maintains under another piece of legislation. Authorities with such registers should include a link to DEFRA's database of environmental registers which can be found at <http://www.defra.gov.uk/corporate/opengov/eir/register.htm>. To add your register to the DEFRA list, contact <mailto:environmentalinformationunit@defra.gsi.gov.uk>
- It is good practice to publish a note of what other environmental information you hold which may be available in response to a request.

Authorities not covered by the FOIA

Some bodies are subject to the EIRs but not to FOIA. These bodies will only be required to actively publish information which falls within the definition of environmental information. They do not need to adopt the Commissioner's model scheme or produce a written guide to information.

However, such bodies will still need to identify the information they hold which falls within the scope of the Regulations, and determine the information which needs to be routinely published. Published information must be made available in a systematic way, and updated and added to as necessary. It is good practice to have a process and system for doing this, and it may be helpful to consult our guidance on [operating a publication scheme](#).

Organising information for disclosure

In developing their information management practices, authorities should take reasonable steps to organise environmental information with a view to making that information available to the public. What is "reasonable" will depend on the size and functions of the organisation and the nature of the information held.

Public authorities subject to FOIA should adhere to the Lord Chancellor's [Code of Practice on the Management of Records](#).

Charging

Generally, public authorities should not charge for information published online. No charge can be made for viewing environmental information or for consulting a public register of environmental information.

Where information is provided in hard copy, a reasonable charge may be made. Public authorities intending to charge for environmental information, whether proactively published or released in response to a request, should publish a schedule of charges. This should explain the circumstances in which a charge will be made and how that charge will be calculated.

For more information on charging, see our forthcoming guidance [Charging for environmental information](#).

More information

The following guidance may be helpful:

[Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004](#)

[DEFRA guidance](#)

[What is environmental information?](#)

[Charging for information in a publication scheme](#)

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunal and courts on freedom of information cases. It is a guide to our current recommended approach to this area, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of freedom of information, please contact us.

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Website: www.ico.gov.uk