



Avenue
CENTRE FOR EDUCATION

Environmental Information Regulations Policy 2022 – 2025

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Date Updated:	May 2022
Approval Level:	Senior Leadership Team
SLT Review Date:	13 th July 2022
Review Cycle:	Three Years
Next Review Date:	July 2025

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1 Introduction

- 1.1 The school is committed to complying with the provisions of the Environmental Information Regulations 2004 (EIR).
- 1.2 The Environmental Information Regulations 2004 give rights of public access to recorded environmental information held by public authorities. In general terms, environmental information is information about land development; pollution levels; energy production and waste management. It also includes information which relates to the state of human health and safety e.g. contamination of the food chain; living conditions; cultural sites and built structures where effects on these from the elements impact on human health and safety.
- 1.3 The Regulations require public authorities to make environmental information available proactively and to enable members of the public to request environmental information from public authorities.
- 1.4 The principle behind the law is that giving the public access to environmental information will encourage greater awareness of issues that affect the environment. Greater awareness helps increase public participation in decision making; it makes public bodies more accountable and transparent and it builds public confidence and trust in them.
- 1.5 There is a presumption in favour of disclosure. Access to information can only be denied if an exception and, if it is subject to the public interest test, it is determined that the public interest lies in the information not being disclosed.
- 1.6 The EIR is regulated by the Information Commissioner.
- 1.7 The Environmental Information Regulations complements or supports the following legislation:
 - Data Protection Act 2018, that gives individuals access to personal information held about them by the School;
 - Freedom of Information Act 2000 gives access to recorded (non-environmental) information held by public authorities.
 - Protection of Freedoms Act 2012 requires public authorities to provide available datasets in a re-usable format so far as reasonably practicable.
 - Local Government Act 1972 that contains the main access to information rules in relation to all meetings of the School and the formally established committees and sub-committees of the School; and
 - INSPIRE Regulations 2009, which make spatial datasets (sets of data linked to geographical locations) publicly available in a consistent and useable electronic format.
- 1.8 The EIR have directly incorporated the definition of environmental information from European Directive 2003/4/EC on public access to environmental information.

2 Policy Statement

- 2.1 Our school will comply with all the relevant provisions of the Environmental Information Regulations 2004.

- 2.2 The school will provide advice and assistance to help people make requests under the EIR. The school aims to respond to all requests promptly and within the statutory response period of 20 working days following receipt of a valid request.
- 2.3 In cases where information is covered by an exception or other legislation, consideration is given as to whether or not it is in the public interest to disclose regardless of the exception cited.
- 2.4 The school is committed to conducting its affairs in a transparent manner and enabling public access to its information, whilst ensuring the integrity of its information and protecting the privacy of its students and parents.

3 Scope

- 3.1 This policy informs recipients of school services, members of the public and external parties of the processes the school has established for complying with the Environmental Information Regulations 2004.
- 3.2 This policy operationally applies to all employees of the school, governors, contractors, agents, partners and temporary staff working for or on behalf of the school.
- 3.3 This policy does not cover Subject Access Requests (requests for access to information about a living individual which could identify them). These requests are exempt from the EIR under regulation 13, and should be processed in accordance with the Data Protection Act 2018 (DPA). The School will carefully consider its responsibilities under the DPA before disclosing personal data about living individuals, including current and former officers, members and users of its services, where it might arise in the processing of a request for information under EIR.

4 Roles and Responsibilities

- 4.1 All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the EIR and in compliance with this policy and the prevailing procedures.
- 4.2 All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless one of the statutory exceptions applies.
- 4.3 Any breach of any provision of the EIR can be deemed as being a breach of any contract between the school and that individual, company, partner or firm.
- 4.4 Third parties who are users of information supplied by the school will be required to confirm that they will abide by the requirements of the EIR and allow audits by the school of data held on its behalf (if requested); and
- 4.5 Indemnify the school against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.
- 4.6 The school will ensure that:
 - Everyone managing and handling information understands that they are responsible for following good information management practice;
 - Staff who handle information are appropriately supervised and trained;

- Methods of handling information are regularly assessed and evaluated;
- Any disclosure of data will be in compliance with approved procedures;
- All necessary steps will be taken to ensure that data is kept secure at all times against unauthorised or unlawful loss or disclosure; and
- All contractors who are users of information supplied by the school will be required to confirm that they will comply with the requirements of the Regulations with regard to information supplied by the school.
- It will abide by the European Directive 2003/4/EC on public access to environmental information, which expands upon, the definition in the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters 1998. In addition the school will take account of any guidance which is issued by the Information Commissioner to promote good practice.

5 The school reserves the right to:

- 5.1 Refuse requests on the basis that they are manifestly unreasonable, subject to a public interest test. Under the Environmental Information Regulations there is no 'cost limit' for dealing with requests, but requests that cost a disproportionate amount can be refused under regulation 12 (4) (b). We will refuse requests for copies of information where it is shown that EIR Regulation 5 or 6(1) (b) has been complied with and the information is already accessible either for inspection, at a public library or published on a website, or other public resource. This relates to requests for information in particular formats, not to requests in general.
- 5.2 Withhold information if it is subject to an exception under the Environmental Information Regulations 2004;
- 5.3 Not provide copies of items subject to copyright restrictions, although these will still be open for inspection under the Act;
- 5.4 In exceptional circumstances, where it is not possible to respond fully within the statutory timescales (20 working days), for complex and voluminous requests, the time period may be extended to 40 working days.

6 Reviews and Complaints

- 6.1 A requester can ask for an internal review of the response to their request, if they are not satisfied with the response provided. They should do so by setting out the reasons they are not satisfied and contacting us at the address below, within 20 days of the receipt of the response.
- 6.2 The School has a complaints procedure and any complaints about the Data Protection Act, the Environmental Information Regulations or the Freedom of Information Act may be dealt with by clearly marking your correspondence 'Complaint' and addressing it to:

[Enter school name and address]

- 6.3 If you are not content with the outcome of the review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk
Tel: 01625 545 745

- 6.4 The School will maintain a record of all complaints and their outcomes.

7 References and Related Documents

- 7.1 References:

Freedom of Information Act 2000

Environmental Information Regulations 2004

Protection of Freedoms Act 2012

Data Protection Act 2018 Human Rights Act 1998

Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations 2004 (SI 2004 No. 3391) ICO guidance web link below:-

[http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Environmental_info_reg/Detailed_specialist_guides/ENVIRONMENTAL_INFORMATION_REGULATIONS_CODE_OF_PRACTICE.ashx](http://ico.org.uk/for_organisations/guidance_index/~/media/documents/library/Environmental_info_reg/Detailed_specialist_guides/ENVIRONMENTAL_INFORMATION_REGULATIONS_CODE_OF_PRACTICE.ashx)

Freedom of Information & Environmental Information Regulations: Hints for Practitioners handling FOI/EIR Requests. Published by Ministry of Defence, March 2008. (Endorsed by Information Commissioner's Office and Ministry of Justice.)

Web link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/16868/foigu_idance_may08.pdf

Department for Environment, Food and Rural Affairs, guidance:

<http://archive.defra.gov.uk/corporate/policy/opengov/eir/guidance/foi-eir.htm#different>

- 7.2 Related documents:

Freedom of Information Policy
Data Protection Policy