

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision notice**

**Date:** 9 August 2016

**Public Authority:** Highways England  
**Address:** Bridge House  
1 Walnut Tree Close  
Guilford  
GU1 4LZ

**Decision (including any steps ordered)**

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1. The complainant requested information about funding allocated for dealing with litter.
2. The Commissioner's decision is that Highways England (HE) has breached regulation 5(2) of the EIR because it did not provide a response to the request within 20 working days. HE has now provided a response and the Commissioner does not require it to take any steps.

**Request and response**

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3. On 1 April 2016, the complainant wrote to HE and requested information in the following terms:  
*"Can you tell me if HE has been allocated specific revenue funding for dealing with litter and, if so, how much that is?"*
4. The complainant confirmed to the Commissioner on 19 July 2016 that he had not received a response or acknowledgement of this request.
5. Following the Commissioner's intervention, HE provided a response to the complainant on 29 July 2016, and apologised for the delay.

## Scope of the case

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6. The complainant had contacted the Commissioner on 9 July 2016 because, at that point, he had not received a response to his request.

## Reasons for decision

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7. Regulation 5(1) of the EIR says that a public authority that holds environmental information shall make it available on request.
8. Regulation 5(2) says that held information shall be made available as soon as possible and no later than 20 working days after the date of receipt of the request.
9. The request was contained within correspondence the complainant sent directly to HE's chief executive. HE has told the Commissioner that it responded to the wider correspondence on 18 April 2016, but that this specific request was overlooked. On receipt of a follow up email from the complainant on 5 May 2016, HE says it incorrectly considered that the request had been responded to.
10. The complainant submitted his request on 1 April 2016 and did not receive a response until 29 July 2016. This is a clear breach of regulation 5(2).
11. The Commissioner notes that the complainant is a long standing customer of HE and is aware of its complaints procedure. On this occasion, the complainant preferred not to request an internal review of HE's non response, but instead requested a decision on the matter from the Commissioner. Had HE had the opportunity to review why it had not responded to the request, the complainant may have received the information he is seeking sooner, albeit still outside of the 20 working days.

## Right of appeal

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12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
LEICESTER  
LE1 8DJ

Tel: 0300 1234504  
Fax: 0870 739 5836  
Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed** .....

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**