

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

Decision notice

Date: 10 August 2017

Public Authority: Carmarthenshire County Council
Address: County Hall
Carmarthen
Carmarthenshire
United Kingdom
SA31 1JP

Decision (including any steps ordered)

1. The complainant made a request for all information that Carmarthenshire County Council ('the Council') holds in relation to a former landfill site . The Council refused the request citing regulation 12(4)(b) of the EIR however it took longer than 20 working days to do so.
2. The Commissioner's decision is that the Council breached regulation 14(2) of the EIR because it did not provide a refusal notice within 20 working days. There are no steps to take.

Request and response

3. On 3 April 2017 the complainant requested all information that the Council holds in relation to a former landfill site.
4. The Council responded with a refusal notice on 17 May 2017 citing regulation 12(4)(b) of the EIR.

Scope of the case

5. The complainant contacted the Commissioner on 5 May 2017 and 14 June 2017 regarding the Council's failure to respond within the statutory timescales and requested that a Decision Notice be issued.

Reasons for decision

Regulation 14(2)

6. A refusal to provide information must comply with the obligations under regulation 14(1) of the EIR. Regulation 14(2) provides that, *"The refusal shall be made as soon as possible and no later than 20 working days after the date of receipt of the request."*
7. In this case, the Council did not provide a refusal notice within 20 working days. That was a breach of regulation 14(2).

Right of appeal

8. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

9. 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.
10. 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

Andrew White
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Wycliffe House
Water Lane
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Cheshire
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