

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 12 October 2022

Public Authority: North Somerset Council
Address: Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Decision (including any steps ordered)

1. The complainant requested information from North Somerset Council ("the Council") about traffic data. The Council initially withheld the information under regulation 12(4)(d) of the EIR – material in the course of completion, etc – but subsequently withdrew its reliance on the exception and disclosed the information.
2. The Commissioner's decision is that the Council breached regulation 5(2) of the EIR, since it failed to disclose the information within 20 working days of receiving the request.
3. Since the information has now been disclosed, the Commissioner does not require the Council to take any steps.

Request and response

4. On 31 August 2021 the complainant made the following request for information, which related to the proposal to build a bypass:

"The Parish Council request to receive information on the work undertaken by WSP along with the new modelling data. This should

include projected data for a 20-year growth period including population projections along with any other background information undertaken.”

5. On 10 September 2021, the Council responded and refused the request, citing regulation 12(4)(d) of the EIR. This provides an exception from the duty to disclose environmental information where it is “material in the course of completion, unfinished documents or incomplete data”.
6. Following an internal review, which the Council provided on 20 October 2021, it upheld its position.

Scope of the case

7. The complainant contacted the Commissioner on 11 November 2021 to complain about the way their request had been handled.
8. The Commissioner wrote to the Council on 25 August 2022, following which the Council withdrew its reliance on the exception and disclosed the information to the complainant on 13 September 2022.
9. This notice covers whether there was a breach for the time for compliance under regulation 5(2) of the EIR.

Reasons for decision

Regulation 5 EIR – duty to provide environmental information on request

10. Regulation 5(1) of the EIR states that, subject to certain provisions, a public authority that holds environmental information shall make it available on request.
11. Regulation 5(2) states:

“Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.”
12. In this case, the Council disclosed the information which had been requested on 31 August 2021, on 13 September 2022.
13. The Council therefore breached regulation 5(2).

Right of appeal

14. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

15. 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.
16. 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

Sophie Turner
Senior Upstream Regulation Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF