

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 16 September 2022

**Public Authority:** Transport for Greater Manchester  
**Address:** 2 Piccadilly Place  
Manchester  
M1 3BG

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Transport for Greater Manchester ("TfGM") about the installation of electric charging points for vehicles. TfGM provided the requested information after some delays.
2. The Commissioner's decision is that the request fell to be considered under the EIR. He has determined that TfGM failed to comply with regulation 5(2) of the EIR, since it did not provide the requested information within 20 working days and, in addition, failed to comply with regulation 11(4) of the EIR since it did not provide the outcome of its reconsideration within 40 working days.
3. As a response and reconsideration were ultimately provided, the Commissioner does not require TfGM to take any steps

#### **Request and response**

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4. On 14 October 2021 the complainant made a request to TfGM for information in the following terms:

"I am requesting you under the Freedom of Information Act to answer now the questions below regarding the installation of electric car charging points currently being completed using the £3 million grant awarded by the DfT in March 2018:

- 1) How many of the 50 no. charge points originally programmed to be installed by end September 2019 (now two years ago) have been completed and in use by 31st August 2021?
  - 2) What is the new and revised programmed completion date for ALL of these to be completed?
  - 3) Now that you are charging for the electricity supplied by these charging points, how has usage developed: have you seen an increase or reduction in their usage?"
5. TfGM responded on 4 February 2022. For 1) it provided the figure as of 31 January 2022 and provided some information regarding the outstanding chargers and charging points. For 2) TfGM stated a revised completion data was not held and for 3) TfGM provided a table showing the average electricity usage per month and confirmed the usage had reduced by almost half since the tariff was introduced.
  6. The complainant responded on 5 February 2022 stating they required an internal review specifically stating the subjects requiring consideration were the timeliness of the response and the handling of the request.
  7. TfGM responded on 13 April 2022. It acknowledged its response was outside the statutory timeframe for responding.

## **Scope of the case**

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8. The complainant contacted the Commissioner initially on 8 January 2022 and then again on 3 May 2022 following receipt of the internal review response to complain about the way their request for information had been handled and asking the Commissioner to highlight the delays in TfGM responding to the request.
9. This notice considers the time taken by TfGM to respond to the request.

## **Reasons for decision**

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### **Regulation 5 – duty to provide environmental information on request**

10. Environmental information must be considered for disclosure under the terms of the EIR rather than the FOIA. Regulation 2(1)(c) of the EIR defines environmental information as any information on:

“measures (including administrative measures) such as policies, legislation, plans, programmes, environmental agreements, and

activities affecting or likely to affect the elements and factors referred to in [2(1)](a) and (b) as well as measures or activities designed to protect those elements.”

11. The request in this case was for information relating to the installation of electric charging points for vehicles. The Commissioner is satisfied that the requested information is on a measure that would, or would be likely to, affect the elements listed in regulation 2(1)(a) and is, therefore, environmental under regulation 2(1)(c).
12. 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.
13. Regulation 5(2) states that the information shall be made available as soon as possible and no later than 20 working days after the date of receipt of the request.
14. In this case, the request was made on 14 October 2021, and TfGM responded on 4 February 2022. This clearly exceeds the 20 working days allowed under regulation 5(2).

### **Regulation 11 – representations and reconsideration**

15. Under regulation 11(4) of the EIR, a public authority asked to reconsider its handling of a request must provide the outcome as soon as possible, and no later than 40 working days after the date of receipt of the request for a reconsideration.
16. In this case, the complainant made representations on 5 February 2022, and TfGM provided the outcome on 13 April 2022. This was well outside the 40 working day requirement.
17. The Commissioner has therefore determined that TfGM was in breach of regulation 11(4) of the EIR. However, as the response was issued the Commissioner does not require any remedial steps to be taken.

### **Other matters**

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18. The Commissioner notes there was correspondence between the date of the request and the response from TfGM, mainly emails from the complainant chasing a response to their information request, and that TfGM confused matters by initially failing to deal with the original correspondence as an information request. The Commissioner considers the delay in responding to the request in this case was excessive and

that, regardless of any reasons for this, TfGM should be reminded of the importance of recognising requests and responding in a timely manner.

## Right of appeal

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19. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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 .....**

**Jill Hulley**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**