

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

**Date:** 22 July 2022

**Public Authority:** Environment Agency  
**Address:** Horizon House  
Deanery Road  
Bristol  
BS1 5AH

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

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1. The complainant requested environmental information on 11 March 2022 relating to the farming rules for water. The Environment Agency (EA) has failed to respond to this request.
2. The Commissioner considers that the EA has breached regulation 5(2) EIR as it has failed to respond within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide a response to the information request originally made on 11 March 2022 in accordance with the EIRs.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

### **Request and response**

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5. On 11 March 2022 the complainant requested information of the following description:

“Pursuant to the Environmental Information Regulations 2004, I request information, in the form of copies of documents, as may be held by the Environment Agency on the following subjects:

- i) any Secretary of State or Defra formal or informal guidance, instruction, policy direction or similar, on the inspection, monitoring, enforcement or sanctions to be applied by the EA in relation to the Farming Rules for Water (the 2018 Regulations).
- ii) any correspondence between DEFRA and the EA on the above.

Please consider this request as covering the period January 2020 to the current date."

6. The EA has failed to provide a response to this request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 27 June 2022 as the EA failed to respond to the request.
8. The Commissioner contacted the EA on 2 July 2022 to ask it to provide a response to the complainant in relation to this request. The EA has failed to provide a response to the complainant or contact the Commissioner in response to his correspondence.
9. The Commissioner has considered whether the EA complied with its obligations under regulation 5(2) EIR in its handling of this request.

### **Reasons for decision**

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#### **Regulation 5: duty to make environmental information available**

10. Regulation 5(1) of the EIR states that a public authority that holds environmental information shall make it available on request. This is however subject to any exceptions that may apply. Regulation 5(2) states that such information shall be made available as soon as possible and no later than 20 working days after the date of receipt of the request.
11. The original request was made on 11 March 2022 and a response has not been provided. The Commissioner therefore finds that the EA breached regulation 5(2) EIR in failing to provide a response within 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@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)

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.....**

**Gemma Garvey**  
**Senior Case Officer**

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