

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 15 May 2023

Public Authority: Environment Agency

Address: Horizon House
Deaney Road
Bristol
BS1 5AH

Decision (including any steps ordered)

1. The complainant requested information relating to the risks of per and polyfluoroalkyl substances. By the date of this notice the Environment Agency had not issued a substantive response to this request.
2. The Commissioner's decision is that the Environment Agency has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the Environment Agency to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. The Environment Agency 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 the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 6 February 2023, the complainant made the following request for information to the Environment Agency:

"briefings, summaries, reports, reviews or memos produced as a result of this review of the evidence around the risks of per and polyfluoroalkyl substances (PFAS)"

6. The Environment Agency acknowledged the request on 7 February 2023. To date, a substantive response to the request has not been issued.

Reasons for decision

7. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

8. Regulation 5(2) of the EIR states that:

"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."

9. The Commissioner contacted the Environment Agency on 24 April 2023 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the Environment Agency has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the Environment Agency did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the Environment Agency has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

11. 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

12. 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.
13. 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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF