



Northumberland County Council

ENVIRONMENTAL INFORMATION REGULATIONS POLICY

DOCUMENT REFERENCE	VERSION	DATE OF THIS VERSION	DATE OF ORIGIN
NCC/IG05	1.0	10/05/2018	20/08/2015

	APPROVED BY	APPROVAL DATE
1	Data Protection Officer	24/05/2018

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			May 2020



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Related Policies

POLICY NAME	POLICY REFERENCE NUMBER	VERSION
Records Management Policy	NCC.IG01	1.3
Data Protection and Confidentiality Policy	NCC.IG02	5.3
Freedom of Information Policy	NCC.IG04	2.3
Information Charging Policy	NCC.IG06	1.0
Re-use of Information Policy	NCC.IG07	0.1
Information Complaints Policy	NCC.IG08	1.0
Anonymisation and Pseudonymisation Policy	NCC.IG09	1.1
Information Security and Transportation, Transfer and Sharing of Data Policy	NCC.IG10	
Data Quality Policy	NCC.IG11	2.2

Amendment History

VERSION	DATE	DESCRIPTION
0.1	20/08/2015	Working Draft
1.0	28/02/2018	Amendments to policy in line with GDPR



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1. Scope

- 1.1 This policy extends to all employees, contractors, agents, consultants, partners or other servants of the Council who manage and handle information held by, or on behalf of Northumberland County Council (the Council) and elected members (in terms of information received, created or held by an elected member on behalf of the council).
- 1.2 Elected members are not public authorities for the purposes of the Environmental Information Regulations (EIR) therefore any information held by an elected member for their own private, political or representative purposes is not usually covered by the Regulations and therefore this policy.
- 1.3 This policy applies to any environmental information held by the council, held on behalf of the council or in the council's possession for its own purposes.

2. Purpose

- 2.1 The purpose of this policy is to ensure compliance with the EIR. This will be achieved by ensuring that environmental information is regularly made available through the council's Publication Scheme and that requests for environmental information are dealt with as set out in this policy, and therefore as required by the Regulations.
- 2.2 This policy is part of a suite of Information Governance policies.

3. Introduction

- 3.1 The Environmental Information Regulations 2004 (EIR) came into force on 1 January 2005, to fulfil the UK's legal obligations under European environmental directive 2003/4/EC. The Information Commissioner's Office regulates the EIR in the UK.
- 3.2 The council already makes a considerable amount of information available to the public via its website, council offices, tourist information centre and through the media.
- 3.3 The council's constitution sets out the basis of the public's right to information held by the council including information on council decisions and the reasons for those decisions. Information is an important asset that the council manages and EIR provides a catalyst to make it more widely available.
- 3.4 The EIR provides a right of access to environmental information held by the council to both individuals and organisations, and require that environmental information is actively disseminated. 'Held' includes information held by the council, on behalf of the council or just



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in the council's possession for its own purposes. The regulation also sets out exceptions from the obligations to release information.

- 3.5 Environmental information is sometimes available under other legislation or by public registers created as a result of other legislation.
- 3.6 The council is required under the Freedom of Information Act to produce and maintain a publication scheme (a guide to the information they hold which is publicly available). This scheme is also used to actively disseminate environmental information.
- 3.7 Generally, requests for information need to be responded to within 20 working days, with an extension permitted of up to 40 working days for complex or voluminous request. Compliance requires good records management to know if the information exists and to be able to locate it promptly.

4. Obligations under the Environmental Information Regulations

- 4.1 The EIR place two main obligations on public authorities.
- 4.2 The first is to actively disseminate environmental information.
- 4.3 The second is that individuals or organisations have a right of access to environmental information. This right is to information held by the council, held on behalf or in the council's possession for its own purposes. The right is to recorded information held in written, visual, aural, and electronic or any other material form, rather than to documents and only to information that exists at the time of the request.

5. Requests for Information

- 5.1 The EIR provide individuals and organisations from anywhere in the world with a right to access to environmental information. These are known within the council as EIR requests.
- 5.2 The requester does not have to state that a request is being made under the EIR for it to be covered by the Regulations. Any request not able to be answered as part of normal day to day business will be treated as a potential EIR request.
- 5.3 If we decide to deal with a request for information under another information request regime or as a combination of regimes the requester will be advised. An example is when a request for the personal information of the requester is made under the EIR. In this instance the request would be considered under the General Data Protection Regulation.



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6. Exceptions

- 6.1 The EIR have a series of exceptions to the right of access to environmental information and which therefore may prevent release.
- 6.2 There is one 'absolute' exception and this applies to personal information. This means that the requested information does not need to be disclosed in any circumstances.
- 6.3 The other exceptions are all subject to a 'public interest' test. This means that a public interest test will be carried out and the information will only be withheld if the public interest in not disclosing is greater than the public interest in disclosing. Information on emissions into the environment is subject to more limited exceptions.
- 6.4 Under the Regulations there is an express presumption in favour of disclosure meaning that information should be made available unless there is a good reason for it not to be.
- 6.5 We will explain in our response if we have carried out a public interest test and the result of this test.
- 6.6 In some cases if an exception applies and permits it we may also decide not to say whether we hold the information requested. This would be the case if, for example to say we hold the information would reveal something of the content.

7. Re-use of Information

- 7.1 See the Council's Reuse of Information Policy for details of when information released under the EIR can be freely re-used and when there could be restrictions, the need to ask permission or the need to pay a fee.

8. Compliance with the Environmental Information Regulations

- 8.1 The council will, through appropriate management ensure that all employees are aware of the EIR and the rights of individuals or organisations under these Regulations:
- Ensure that records are managed in line with the Code of Practice on the management of records under Section 46 of the Freedom of Information Act so that requests for information can be promptly responded to;
 - Ensure the quality of information created, used and held;
 - Ensure that environmental information is actively disseminated through the council's Publication Scheme;



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- Ensure that individuals are aware of their rights under the Regulations and that they are able to exercise them;
- Only apply exceptions as permitted by the Regulations;
- Ensure that any third parties contracted by the council adhere to appropriate controls in respect of the council's obligations under the Regulations;
- Investigate and respond to complaints in relation to the Regulations as set out in the Information Complaints Policy.

9. Training and Awareness

9.1 Environmental Information awareness training in conjunction with this policy will be provided to all staff.

9.2 Key Staff that have been indicated as EIR Link Officers will receive further training.

10. Implementation

10.1 This Policy is effective immediately

11. Monitoring and review

11.1 This Policy will be monitored by the Digital Northumberland Board and will be reviewed every two years or where there are changes to Legislation.

12. Useful contacts

12.1 The Information Commissioner's Office via www.ico.org.uk

Data Protection Officer - informationgovernance@northumberland.gov.uk