



## Elected Members' Guide to the Environmental Information Regulations

- The Environmental Information Regulations (EIRs) provide individuals and organisations with the right to request access to recorded environmental information held by the council.
- Recorded information includes information held in paper files, such as file notes, post its, letters, as well as information held electronically such as email, word documents and other less obvious forms, such as CCTV.
- Elected members must be aware the information that they produce or receive could be subject to disclosure.
- The provisions are enforced by the Information Commissioner.

### What is environmental information?

Environmental information covers information on the state of the environment, such as:

- air, water, soil, land, flora and fauna (including human beings), diversity, genetically modified organisms
- emissions and discharges, noise, energy, radiation, waste and other such substances
- measures and activities such as policies, plans and agreements
- reports, cost benefit and economic analyses
- the state of human health and safety, contamination of the food chain
- cultural sites and built structures (as they may be affected by environmental factors)

### How the EIRs apply to you

Elected members in their own right are not subject to the EIRs, but there are many circumstances where information produced, received or held by elected members could be liable to disclosure. If you were to write to or email an officer of the council about an issue that related to the business of the council, then the information would be covered by the EIRs. Please see examples below.

If you receive a request that is really intended to be a request to the council, then you should either:

- a) Advise the requester to address the request for information to the council, or
- b) With the agreement of the requester, pass the request for information to the council.

### What about political information?

Where information produced is of a political nature, such as election strategy, this does not relate to the business of GCC and the provisions of the regulations would not apply to such correspondence. However, there are potential 'grey' areas. For example, members **might** consider information relating to their voting intention on waste proposals to be political, but it could be argued that the information would relate to the business of the council and be subject to disclosure.

## Responding to requests

- The council must respond to written and verbal requests within 20 working days (elected members are required to support any requests received by council staff and be able to provide information to the council in a prompt manner to meet those statutory requirements).
- We cannot make a charge for allowing access to any public registers or lists of environmental information, or to examine the information (at a place chosen by us). For all other situations, charging is at our discretion.
- Access is to information, not necessarily documents.
- In every case the law requires that there will be full and unconditional disclosure unless one of the statutory exceptions applies.
- The reasons set out in law explaining why some information may not be disclosed are known as exceptions. They cover such things as the protection of the environment to which the information relates, personal information and commercial interests.
- When applying an exception, the content of the information must be assessed. Each time we must consider whether the public interest is in releasing or withholding the information.
- You must be aware that you are responsible for the proper management of the information you hold, including being able to retrieve information that relates to council business.

## Examples to illustrate when information would be covered

- Information emailed by an elected member about the proposal of a new road layout would be covered.
- Information sent from one elected member to another would be covered if it related to council business.
- Comments on reports relating to the environment which have been prepared for consideration by a council committee would be covered.
- Information sent from an elected member to another elected member, about their chances in any forthcoming local elections would not be covered.

## Examples of requests for information received by the council

- Details of the maintenance on the stretch of the A436 between its junctions with the A40 and the B4068.
- Review of Mineral Planning Permissions - Shakemantle Quarry, Ruspidge.
- Consultation report on the Residual Waste project.
- All correspondence and records re footpath ZGL143 across the railway line, Robinswood Crossing, October 2006 – present.
- Council's policy on incineration.
- A list of all (or as many major ones that are accessible under compliance limits) tree planting projects that have happened in the area under your jurisdiction since 2015.
- Documents that outline the council's carbon strategy, including any strategy for using carbon offsets to meet carbon targets.