

APPENDIX D – SUMMARY OF FOI AND EIR LEGISLATION

Freedom of Information Act 2000

1. This act gives anyone the right to ask a public authority for information; for the information to be released to them, and / or to be told why the information cannot be provided. Public authorities are bound by the Act to:
 - Reply to any request within 20 working days either providing the information or stating why it cannot be provided using the stated exemptions within the Act
 - Provide advice and assistance to the applicant in making the request
 - Must not charge for providing the information, other than photocopying, postage and related disbursements, unless the time that would be required to provide the information would exceed the ‘appropriate time limit’ of 18 hours
 - Where a request has been declined, offer an appeals procedure prior to the requestor taking a complaint to the Information Commissioner (ICO)
2. In addition, under the Act there is also a requirement to publish the information held, which is referred to as a “Publication Scheme”

Environmental Information Regulations 2004 (EIR)

3. EIR gives enhanced access to environmental information, by giving members of the public and others the right to access environmental information held by public authorities.
4. Environmental information is divided into the following main areas:
 - The state of the elements of the environment, such as air, water, soil, land and the interaction among these elements.
 - Emissions and discharges, noise, energy, radiation, waste and other such substances.
 - Measures and activities such as policies, plans and agreements affecting or likely to affect the state of the elements of the environment.
 - The state of human health and safety, contamination of the food chain.
 - Cultural sites and built structures (to the extent they may be affected by the state of the environment).
5. The provisions of FOIA and EIR are quite similar however; there are a number of important differences which include:
 - Requests for environmental information need not be in writing
 - An extension can be requested for EIR requests (up to 40 days)

- There are differences between the exceptions available under EIR and the exemptions available under FOIA
- No exception is available under EIR for requests that involve costs in excess of the 'appropriate limit'.