



What is the public interest test?

You will hear the public interest test mentioned in the context of all Access to Information legislation:

- The public interest test means that a public authority can only withhold information if it is clearly in the public interest to do so.
- All EIR exceptions are subject to the public interest test.

Your rights of appeal

- If you feel that your request for information has been wrongly withheld by a public body there are various routes of appeal:

Step 1

Contact the public authority who will conduct an internal review.

Step 2

If you are dissatisfied with the outcome of this review you can apply to the Information Commissioner for a decision.

Step 3

If you are unhappy with the Information Commissioner's decision you have a right to appeal to the Information Tribunal.

Contact route for questions

How can Defra help?

Defra has a unit dedicated to developing policy and guidance, and offering advice on the Regulations.

For queries, e-mail us at:

environmentalinformationunit@defra.gsi.gov.uk

or call:

020 7270 8885/8884

Further Information

Further information on the Environmental Information Regulations can be found at the following links:

- Department for Environment Food and Rural Affairs:
www.defra.gov.uk/corporate/opengov/eir
- Department for Constitutional Affairs:
www.dca.gov.uk/foi
- Information Commissioner's Office:
www.ico.gov.uk

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How can they help?



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The Environmental Information Regulations (EIRs) give the public rights to environmental information in response to requests.

The Regulations promote the publication of as much environmental information as possible in order to promote public participation in environmental decision making.

What is Environmental Information?

Environmental information includes all the information that you would expect to be environmental, such as:

- Information about air, water, soil, land, flora and fauna, energy, noise, waste and emissions

Information which has a clear link to the environment but may not appear to be environmental at first glance. For example:

- Any decisions, measures and activities affecting or likely to affect any of the above
- Financial and cost benefit analysis relating to these would also be classed as environmental information
- Certain information about human health and the food chain, built structures and cultural sites

Who can make a request under the EIRs?

- Anyone can request environmental information from a public authority
- Requests can be in any format, written or oral

Who can you request information from?

Requests can be made to any public authority, whether it be central or local government or bodies carrying out public functions on behalf of that authority, such as:

- Water companies
- Waste disposal companies

Can my request be refused?

Whilst the Regulations make provision for the disclosure of information, there are certain types of information which can be legitimately refused.

There are a number of exceptions in the legislation that permit a public authority to refuse to disclose the information. Some of these are highlighted below.

These would be relevant in such cases where to release the information would damage:

- Commercial interests
- International relations, defence, national security or public safety
- The course of justice and the ability of someone to receive a fair trial
- The public authority's ability to do its business

Where information relates to emissions, there are far more limited exceptions under which information can be withheld.