

Submitting an access to information request

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What are my rights?

The Freedom of Information Act 2000 (FOIA) has created a general right of access to information held by public bodies like Natural England. This includes the right to be told whether the public body holds the information which you have requested, and a right of access to that information, subject to certain exemptions.

The Environmental Information Regulations 2004 (EIRs) have created similar rights of access to information about the environment. The definition of 'environmental information' is broad, and includes information about the elements of the environment (such as land, water, biological organisms, etc); factors which affect the environment, such as emissions or discharges; policies, plans, activities and other measures which affect any of these elements and factors; economic analyses of measures and activities; and human health and safety, food contamination, living conditions, built structures or cultural sites, to the extent that they are affected by environmental factors or elements. The majority of Natural England's information is covered the EIRs.

Collectively along with the Data Protection Act 1998 (DPA) they are called the Access to Information legislation. For information about yourself you need to submit a Subject Access Request, please see our [Data Protection \(www.naturalengland.org.uk/foi/data-protection.htm\)](http://www.naturalengland.org.uk/foi/data-protection.htm) pages.

Natural England is a public body which is covered by FOIA and the EIRs. This means that Natural England has to respond to requests for information in accordance with FOIA and the EIRs. Requests can be submitted by anyone within or outside the UK. The FOIA also requires Natural England to produce and maintain a publication scheme describing the information which Natural England routinely makes available (see [What is the publication scheme?](#)).

Further information about your rights under the FOIA, EIRs and the DPA is available on the websites of the [Information Commissioner \(www.ico.gov.uk\)](http://www.ico.gov.uk) for DPA and FOIA, the [Department for Constitutional Affairs \(www.foi.gov.uk\)](http://www.foi.gov.uk) for FOIA and the [Department for Environment, Food and Rural Affairs \(www.defra.gov.uk\)](http://www.defra.gov.uk) for the EIRs.

What is the publication scheme?

As well as providing information when asked to do so, the Access to Information legislation also requires public bodies to be proactive in the release of official information. As a result, each must produce a publication scheme, giving details of what information it already makes available or intends to publish as a matter of course. Schemes are designed to act as 'route maps' to assist people to find key information which is routinely published by public bodies. It focuses on information relating to our key executive, advisory and promotional duties and also on the standards and guidance by which we make decisions. It describes the classes of information which we publish, providing appropriate examples of individual documents, and details the formats in which publications are available and whether any charges apply.

We recommend that you consult our [publication scheme](http://www.naturalengland.org.uk/foi/publication-scheme.htm) (www.naturalengland.org.uk/foi/publication-scheme.htm) before submitting an Access to Information request, for the following reasons:

- The scheme is broad ranging, covering many aspects of Natural England's activities and administration.
- Information which is included in the scheme is held in formats which can be sent out readily on request or available for download from our website. You are likely to receive information more quickly if you request it under the publication scheme than if you submit a request.
- Under the legislation information covered by a publication scheme is exempt from requests because it is already accessible under the scheme. This means that if you submit a request for information which is included in Natural England's publication scheme, you will be directed to it.

Where do I look before submitting a request?

If you require information, as a first step we suggest that you check the following areas of our web site as the information may have been published.

- **What's new** – this is where we highlight new additions to our website
- **Publications** – this is where our publications can be accessed, (www.naturalengland.org.uk/publications/default.htm).
- **Press Notices** – press notices listed by date order, (www.naturalengland.org.uk/press/default.htm).
- **Latest Research** – here you will find the latest research projects undertaken by Natural England, (www.naturalengland.org.uk/research/default.htm).
- **Publication scheme**– the FOIA Act requires us to produce a Publication Scheme, where you will find links to various classes of information published by the Department, (www.naturalengland.org.uk/foi/publication-scheme.htm).
- **Search engine** – Our website has a search engine which should allow you to find anything on the site
- Sometimes the information you are looking for may not be available from us. This is a list of potential sources:
 - **DEFRA** – Department of the Environment, Farming and Rural Affairs, our sponsoring department, (www.defra.gov.uk).

- [Environment Agency](http://www.environment-agency.gov.uk) – The public body responsible for protecting and improving the environment in England and Wales, (www.environment-agency.gov.uk).
- [The Forestry Commission](http://www.forestry.gov.uk) – Is the Government Department responsible for forestry policy throughout Great Britain and to protect and expand Britain's forests and woodlands and increase their value to society and the environment, (www.forestry.gov.uk).
- [Joint Nature Conservation Committee \(JNCC\)](http://www.jncc.gov.uk) – UK Government's wildlife adviser, undertaking national and international conservation work on behalf of the three country nature conservation agencies Natural England, Scottish Natural Heritage and the Countryside Council for Wales, (www.jncc.gov.uk).
- [Countryside Council for Wales \(CCW\)](http://www.ccw.gov.uk) – CCW is the national wildlife conservation authority for Wales, (www.ccw.gov.uk).
- [Scottish Natural Heritage \(SNH\)](http://www.snh.gov.uk) – SNH is the national wildlife conservation authority for Scotland, (www.snh.gov.uk).
- [British Waterways](http://www.britishwaterways.co.uk) – A public corporation which manages and cares for more than 2,000 miles (3,220 km) of canals and rivers in England, Scotland and Wales on behalf of the British people, (www.britishwaterways.co.uk).

How do I submit a request?

Requests for information should be sent to your local office or the one you have dealings with or to the Enquiry Service.

Enquiry Service
 Natural England
 Northminster House
 PETERBOROUGH
 PE1 1UA
 Telephone: 0845 600 3078
 Fax: 01733 455103
 Email: enquiries@naturalengland.org.uk

Please include the following information in your request:

- Your name.
- An address which we can use for correspondence, and the address to which you wish us to send the information (if different), this can include an email address.
- A description of the information which you are requesting.
- The format you would prefer - eg printed leaflet, e-mail, CD etc.

FOIA requests must be submitted in writing (this can include email or fax). EIR requests do not have to be in writing, but we recommend that you send a written request to avoid ambiguity; you can use our **web enquiry form**.

Information about yourself is handled through the Data Protection Act so you need to submit a Subject Access Request, please see our [Data Protection \(www.naturalengland.org.uk/foi/data-protection.htm\)](http://www.naturalengland.org.uk/foi/data-protection.htm) pages.

You do not have to state that you are submitting your request under the Freedom of Information Act or the Environmental Information Regulations [possibly add flowchart here].

However, we recommend that you do so, particularly if you choose to send your request to an address other than that given above. Do not be concerned if you are uncertain whether your request is covered by FOIA or the EIRs public bodies like Natural England have a duty to ensure that requests are processed according to the appropriate legislation. We will inform you if we process your request under different legislation than the one under which you submitted it.

What happens next?

We will send you an acknowledgement of your request as soon as possible. This will indicate the deadline by when we will send you a response. We may also ask you to provide further information or clarification if we require this to process your request, and may contact you again for additional information or clarification if necessary.

After Natural England receives your request, we must consider it and respond to it. If we hold the information, we will provide it or explain how you can gain access to it, or explain why we cannot provide the information, quoting the relevant exemption/exception in the FOIA or EIRs. If the exemption/exception involves a public interest test, we will explain why we decided that the public interest was in favour of withholding the information (see [What are the exemptions?](#)). Our response will also outline your right to appeal if you are unhappy with our handling of your request (see [Can I appeal?](#)).

The Access to Information legislation requires us to respond to your request within 20 working days, commencing on the first working day after receipt of your request. This period can be extended in the following circumstances:

- If we require further information or clarification from you to enable us to process your request, and we communicate this to you. The 20 working day deadline starts on the date when we receive this information from you.
- The FOIA allows public bodies to extend the deadline for a "reasonable" period if they need extra time to decide whether the public interest in upholding an exemption outweighs the public interest in releasing the information. This only applies to FOIA requests.
- The EIRs allow the deadline to be extended to 40 working days if the information requested is so extensive, voluminous or complex and that compliance within 20 days would be impractical. This only applies to EIR requests.

Natural England will notify you as soon as possible (and in all cases within 20 working days) if we determine that your request is likely to exceed the 'appropriate limit' set by FOIA, or if your EIR request is likely to be refused because it is "manifestly unreasonable" or "too general" (see [What are the exemptions?](#)). We will provide you with reasonable advice and assistance to help you to refine or narrow down your request. If we conclude that the information which you have requested is held by another public body, we will provide you with that authority's contact details or can send your request to them if you ask us to.

When processing your request, we may need to consult other organisations or individuals who could be affected by the release of information to you. This may involve passing on some details of your request to those organisations or individuals, but not who you are.

What are the exemptions/exceptions?

FOIA and the EIRs contain a number of exemptions (known as 'exceptions' in the EIRs), which specify the circumstances in which public bodies are not obliged to provide access to information. The types of information held by Natural England which are most likely to be subject to exemptions are set out below:

- **Information about yourself.** This is exempt under the legislation, because a right of access to information about you already exists under the Data Protection Act. For information on how you can gain access to your personal data held by Natural England, please see our [Data Protection \(www.naturalengland.org.uk/foi/data-protection.htm\)](http://www.naturalengland.org.uk/foi/data-protection.htm) pages.
- **Information about other people.** Personal information about other people (eg Natural England staff or students) is exempt if its disclosure would be contrary to the data protection principles set down in the Data Protection Act. Natural England will follow the guidance issued by the Information Commissioner on the circumstances in which it is permissible to release third party personal data under the FOIA and EIRs.
- **Information provided in confidence** where disclosure of the information would constitute an actionable breach of confidence (ie one for which Natural England could be sued).
- **Commercially sensitive information** whose disclosure would prejudice the commercial interests of Natural England, another public body or a commercial organisation.
- Information whose disclosure would prejudice **law enforcement, the apprehension or prosecution of offenders, the administration of justice and similar functions.**
- **Information which is readily accessible by other means.** This applies to requests which ask for information covered by Natural England's publication scheme (see [What is the publication scheme?](#)).

Many exemptions are subject to a public interest test. This means that before we can apply the exemption/exception, Natural England has to determine that the public interest in withholding the information outweighs the public interest in releasing it. Further information about the exemptions to the right of access under the FOIA and the EIRs are available on the website of the [Information Commissioner \(www.ico.gov.uk\)](http://www.ico.gov.uk) and the [Department for Environment, Food and Rural Affairs \(www.defra.gov.uk\)](http://www.defra.gov.uk) respectively.

Public bodies may also refuse to comply with a FOIA request if the cost of locating or extracting the information is estimated to exceed an "appropriate limit" (See [What are the charges?](#)). This has been set at £450 for bodies like Natural England, or 18 hours of staff time at the rate of £25 per hour. Natural England will not provide information in response to FOIA requests which exceed the appropriate limit. This limit does not apply to EIRs, but the Regulations allow public bodies to refuse requests which are "manifestly unreasonable" or "too general". In both cases, we must first attempt to refine or narrow down the request by providing you with reasonable advice and assistance. We will inform you when information has been withheld because of an exemption or because your request exceeds a limit: (see [What happens next?](#)) for further information.

What are the charges?

Natural England will not charge for requests for information, unless the charge is set out in our [publication scheme \(www.naturalengland.org.uk/foi/publication-scheme.htm\)](http://www.naturalengland.org.uk/foi/publication-scheme.htm). However, we may charge for the cost of media/transit, photocopying etc where these are exceptionally high.

Whilst we **do not charge for information requests** we still, where necessary calculate how much a request would 'cost'. This allows us to place the request into a charging band and the action which should be taken (see table below).

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| Request less than £450 (<18hrs) We must respond to request. |
| Request between £450-£1000 (18-40hrs) FOIA – we will refuse all requests. EIRs – we can refuse the request if it is formulated in too general a manner or is manifestly unreasonable or we have reason to believe that the requests are cumulative or campaign requests. |
| Request greater than £1000 (>40Hrs) FOIA – we will refuse all requests. EIRs – we will refuse all requests as formulated in too general a manner or manifestly unreasonable or we have reason to believe that the requests are cumulative or campaign requests. |
| There is a presumption here that we have attempted to refine or narrow down the request by providing the applicant with reasonable advice and assistance. |

When estimating the cost of complying with a request for information, we can take into account the staff time reasonably incurred, when involved in the following activities:

- determining whether we hold the information,
- locating the information or a document which may contain the information,
- retrieving the information, or a document that may contain the information, and
- extracting the information from a document containing it.

What formats can I receive?

When you submit your request or any time before we have responded to it, you can specify a preferred method by which the information should be communicated to you. This can include asking us to prepare a digest or summary of the information; asking for the information in a particular format (eg in electronic form or on paper); or asking for the opportunity to inspect records containing the information. We must provide the information in the form which you have requested if it is reasonably practicable to do so.

Natural England will make reasonable efforts to match your preferred format, but applicants should note the following:

- We are unable to digitise information which is only held in paper form.
- You are allowed to inspect original records by appointment only.

In all cases, you will receive an explanation if we are unable to provide the information in your preferred format.

If you do not indicate a preference as to how the information should be communicated to you, we will choose the method which involves the least cost to you and to Natural England.

Can I appeal?

You can ask for an internal review of your case if Natural England refuses your request or you are dissatisfied with the handling of your request. Appeals should be sent to the individual identified in your response letter. However, if this is not possible, then your appeal can be sent to the [Senior specialist - Access and Security](#).

The appeal will be acknowledged, investigated and reconsidered. A response will be sent to you within 20 working days of receipt of your appeal, unless otherwise stated. If it includes a decision that information should be released to you, the information will be provided to you as soon as possible.

If you are dissatisfied with Natural England's response to your appeal, you can apply to the [Information Commissioner \(www.ico.gov.uk\)](#) for a decision on whether your request has been dealt with in accordance with the requirements of the FOIA or the EIRs. If the Commissioner finds in your favour, the Commissioner can require Natural England to release the information to you. The Commissioner can be contacted at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
Email: mail@ico.gsi.gov.uk
Website: www.ico.gov.uk

Can I submit multiple requests?

You can submit more than one request. However, if you submit FOIA requests relating to the same or similar information within 60 working days of each other, we can treat them as if they were one request for the purpose of determining whether the cost of locating the information exceeds the "appropriate limit" (see [What are the exemptions?](#)). For the EIRs multiple requests can be considered as 'manifestly unreasonable' especially if submitted within a short time of each other or from different applicants for the same information.

Can I re-use the information?

The copyright of any information which is supplied to you will be owned by Natural England unless otherwise indicated. The supply of information under the FOIA or EIRs does not give you an automatic right to re-use the information in a way which would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.

Brief extracts of any material which is supplied to you may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting.

Commercial re-use must only be carried out with prior written permission from Natural England or the copyright owner if copyright is not owned by Natural England. Otherwise, re-use is likely to infringe copyright. Enquiries about commercial re-use of material should be directed to the [Senior Specialist - Information Access and Security](#).

Where can I get advice?

Public bodies have a legal duty to provide applicants with reasonable advice and assistance in relation to their Access to Information requests. For example, Natural England can help you to narrow down your request to one which will fall within the "appropriate limit" set by FOIA (see [What are the exemptions?](#)). If you require advice or assistance, please contact:-

Darren Green
Senior Specialist - Information Access and Security
Natural England
Block B Government Buildings
Whittington Road
Worcester
WR5 2LQ

Tel: 01905 363431
Fax: 01905 363429
Email: enquiries@naturalengland.org.uk

Other organisations, such as the [Citizens Advice Bureau](http://www.citizensadvice.org.uk) (www.citizensadvice.org.uk) and [Friends of the Earth](http://www.foe.org.uk) (www.foe.org.uk), may also be able to assist you in developing your request. Information about your rights and how to submit a Freedom of Information and Environmental Information request is available on the website of the [Information Commissioner](http://www.ico.gov.uk) (www.ico.gov.uk).