



The Right to Know Public Information Leaflet

Note: This guide provides a brief outline of your rights under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and how we will deal with your request for information.

This leaflet should not be regarded as a legal interpretation.

What is the Right to Know?

The Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR) came into effect on 1 January 2005. The legislation gives you the right to request information held by a wide range of public authorities.

What information can I obtain?

The legislation enables you to get recorded information to help you to understand better how this Department works, how we spend public money, and how and why we make our decisions. EIRs provide access specifically to “environmental information”.

You can also get information under the Data Protection Act 2018 which, amongst other things, gives individuals access to their own personal information. The DPA applies to private enterprise as well as public authorities

How do I get information held by the Department?

If you have access to the Internet, greater detail on how to make a request can be found in the Information access section of the Departmental website at <https://www.daera-ni.gov.uk/access-information-0> Alternatively, you can write to us at the address on the back of this leaflet. Environmental information can be requested verbally or in writing.

Please note that you must provide us with your name and address (or email address) to enable us to respond to your request.

How long does it take to get information?

The legislation requires us to respond to your request for information as soon as possible after it is received, and not later than 20 working days after the date of receipt. This timescale may have to be extended if the information requested is very extensive and, therefore takes a long time to gather, or if we have to consider if providing it is in the public interest, or if we are waiting for you to pay a fee.

It will help us to process your request more quickly if you can be as specific as possible about what information you want. Sometimes we might have to contact you in order to clarify exactly what information you are interested in.

What are exemptions?

Both the FOI Act and the EIRs contain a number of exemptions (in the EIRs they are called “exceptions”) allowing the Department to withhold information in certain circumstances. However, most of the information held by the Department will not be subject to exemptions.



What if I am refused the information?

If we decide not to disclose some information, we must explain to you why it is being withheld, quoting the exemption or exception that has been applied and in some cases providing you with the reasoning behind that decision.

Is there a cost for getting information?

This depends on a number of factors including the volume of material requested. Responses to enquiries that cost the department less than £600 to process* will normally be provided free of charge, although there may be a small charge for costs of photocopying, printing and postage.

The Department has the right to refuse to respond to a request that is estimated to cost more than £600* to process unless the request is for information covered by EIRs, in which case the Department has to process the request if you are prepared to pay the costs. If the cost is greater than £600 and you agree to pay these costs, the Department will provide you with the information unless it is covered by an exception.

* Includes the cost of finding, sorting or editing the material

What happens if the information I want is not available

The legislation does not require us to gather or create information that is not already

there. We will contact you and tell you what information we do hold that might be help to you or suggest another Public Authority which may hold the information you want. It is also possible that we may have had the information at one time but that it has been lawfully destroyed, in which case we will tell you.

Can I complain if I am unhappy with the Department's handling of my request?

You have the right to complain to the Department if we do not deal with your request for information within the timescales set by the legislation - that is normally not later than 20 working days after the date your enquiry is received by the Department. You also have the right to an internal review, if you are dissatisfied with our response to your request for information.

Your complaint must be registered within two calendar months and will be investigated by the Review Officer. You will receive a reply as soon as possible and normally within 20 working days for FOI and 40 working days for EIR from the date your complaint is received.

If you wish to complain please write to:

The Review Section at the DAERA contact address.

If you are still dissatisfied after the internal review you can complain to the Information Commissioners Office,

The Commissioner's details are:

Information Commissioner's Office

Wycliffe House

Water Lane, Wilmslow

Cheshire SK9 5AF

Website: <https://ico.org.uk>

Phone: 0303 123 1113

Email: ni@ico.gsi.gov.uk

Where can I get more information about the legislation?

More information about the Freedom of Information Act 2000 and the Environmental Regulations 2004 is available through the Department's website <https://www.daera-ni.gov.uk/access-information>

Or from the Information Commissioner's Office.

Contact address:

Department of Agriculture, Environment and Rural Affairs (DAERA)

Information Management Branch

Dundonald House

Upper Newtownards Road

Ballymiscaw

Belfast

BT43SB

Tel: 02890524199

Email:

daera.informationmanager@daera-ni.gov.uk