

Mr Moose
Send by email: [request-451496-
2f353d0d@whatdotheyknow.com](mailto:request-451496-2f353d0d@whatdotheyknow.com)

Our ref: 69814-WX
Your ref:
Date: 20 December 2017

Dear Mr Moose

Request for information under the Environmental Information Regulations 2004 (EIR)

Thank you for your email dated 09 December requesting copies of all information, reports, letters and other documents in your files or archives concerning Environment incident number 911039 which occurred in North Dorset in 2011.

Requests for information that is recorded are generally governed by the Freedom of Information Act 2000 (FOIA). The information you have requested is environmental and it is therefore exempted from the provisions of FOIA by FOIA s.39(1). We have therefore considered your request under the provisions of the Environmental Information Regulations 2004 (EIR). EIR regulation 12 allows a public authority to refuse to disclose environmental information if an exception to disclosure applies under paragraphs (4) or (5) and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. A public authority shall apply a presumption in favour of disclosure.

Please find attached the only document we have for your request. Please find attached the NIRs report. We have redacted the NIRs report for personal data.

Relevant exceptions

The information you requested is exempt information due to Regulation 13(1) of the EIRs, which states:

"To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data".

The 'first condition' referred to above is further explained in Regulation 13(2) (a):

"...in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene —

i) any of the data protection principles..."

It is the view of the Environment Agency that the information requested relates to another person, and that its disclosure would therefore contravene the First Data Protection Principle of the Data Protection Act 1998.

The First Data Protection Principle requires that we are fair to individuals when we collect, hold and use their personal data. In this case it would be unfair to disclose information that would identify individuals who have been the subject of complaints, as those individuals have a reasonable expectation that such information held by the Environment Agency would remain confidential.

The Public Interest Test – Not applicable. There is no requirement to conduct a public interest test when withholding personal data.

Please refer to the [Open Government Licence](#) which explains the permitted use of this information.

If you are not satisfied with our responses to your request for information and our internal review you can make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information. The address is:

Office of the Information Commissioner

Wycliffe House Water

Lane Wilmslow

Cheshire SK9 5AF.

Tel: 01625 545700.

Fax: 01625 524 510.

E-mail: mail@ico.gsi.gov.uk.

Website: <http://www.informationcommissioner.gov.uk>.

Yours sincerely



Natasha Rich

Customer & Engagement, Wessex

Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS

Email: wessexenquiries@environment-agency.gov.uk

Telephone number: 03708 506 506

Enc. NIRs Document