

By Email

Our ref: CL238091

Your ref:

Date: 01-02-22

Dear Mr Goodwin

Review of Environmental Information Request ref: CL238091

I refer to your e-mail dated 23 November 2021 in which you advise us that you would like us to review the information we provided for the three reasons you listed. I have conducted a review of the information we sent to you on 17 November 2021 and provided a response under each point below.

1. Appendix for request CL238091 lists the exceptions that have been applied. It is not clear how the second and third exceptions relating to commercial confidentiality and volunteered information respectively have been applied and why such redactions have included information such as:

- the date of the information

We have checked the information that we sent to you and can't see any dates that have been redacted.

There is a sentence in the document titled '2_redacted' that reads: 'I sent you the email below in March and then xxxxx'. It may be that this is the sentence that you are referring to. If so, the redacted information is not a date but is personal information.

- the organisation/company/job title that the originating information was from (and the domain name if it was in email form)

- the organisation/company/job title that the information was sent to (and the domain name if it was in email form)

We have deleted job title information as we consider that personal information.

We have deleted the company name and domain name from the document titled '2_redacted' as this falls under the commercially confidential exemption. We corresponded with a second company about this matter and we have left this information un-redacted in the document titled '1_redacted' as this is not commercially confidential.

2. I expected there to be a response to the EA's second schedule 5 request dated 24 June 2021 but no response to this request has been included in the EA's information response. Please include the applicant's response to the second schedule 5 request (if a response has been

received by the EA) and please check that no other information has been missed from the response.

The Schedule 5 request is now on Citizen space and can be accessed via this link
<https://consult.environment-agency.gov.uk/psc/ca6-4se-fortum-carlisle-limited>

3. I understand that the EA has received confirmation from Fichtner on behalf of the applicant that the aviation light maintenance platform is not included in the permit application. I would expect the correspondence/meeting minutes/notes relating to this to have been included in the information response. Please check that the information response is complete and whether additional information/correspondence/notes, such as that relating to the aviation light maintenance platform, has been missed.

I have spoken with the Permitting team about any information that may be missing. They informed me that they spoke with the consultants by telephone to check if this was part of the EPR application and they confirmed by email that it is not. A redacted copy of the email is attached. We have redacted limited information in line with the requirements of the Data Protection Act 2018. The relevant exemption is EIR Regulation 12(3) 'to the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with Regulation 13.' EIR Regulation 13 sets out at length the necessary consideration of the requirements of the Data Protection Act 2018 (DPA 2018).

I apologise that this was missed from your original response.

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

I hope this addresses the points you raised, however if you are not satisfied with this review you can make an appeal to the Information Commissioner, who is the statutory regulator for freedom of information. The address is:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate).

Fax: 01625 524 510.

Email: casework@ico.org.uk.

Website: <http://www.ico.org.uk>

Yours sincerely

Katherine Austwick

Customer Engagement Team Leader