

Mr Carroll
Sent by Email:
request-668798-919ec084@whatdotheyknow.com

Our Ref: 177617
Date: 17 September 2020

Dear Mr Carroll

**Re: Internal Review of Freedom of Information/Environmental Information
Request in respect of information relating to incident reports for Stubbers
Green Nature Reserve, Walsall, West Midlands in January to June 2020**

I refer to your e-mail dated 13 July 2020, in which you requested a review of the information provided following your Freedom of Information requests of 6 June and 15 June 2020.

The Environment Agency received the requests and we responded to those emails on 15 June and 26 June 2020 respectively.

Review

I have conducted an internal review which has concluded that the blank pages in the reports were not due to withheld information. For the incident reported on 27 May 2020 NIRS 018109819 there were a further 9 reports (NIRS refs: 01810994, 01811002, 01811007, 01811061, 01811343, 01811474, 01811559, 01811828 and 01812988) that were recorded as 'duplicates' of the first incident. The incident details were only recorded on the initial incident report NIRS 018109819 hence the blank pages in the other reports.

I have concluded that personal information was withheld correctly in accordance with EIR Regulations 13(1) and the provisions of the Data Protection Act (DPA) 2018. We redacted the names of identifiable living individuals (not including Environment Agency staff) from our previous response dated 26 June 2020, as we are unable to provide you with information which would identify those people. The withheld/redacted information was indicated in the report as 'xx'.

In regards to NIRS ref 01810981, this report was not closed at the time of your information request since the investigation was still in progress. The incident is now closed and I enclose the completed incident summary.

Additional Information

I am now able to clarify your other queries. The initial incident assessment was that it was a Category 3 incident, however in light of further information this was escalated to a Category 1 incident. The Environment Agency managed the incident response remotely due to Coronavirus (COVID-19) restrictions. Severn Trent Water Ltd attended the site to assess the impact of the reported discharge from their asset and to investigate the cause. The cause of the sewage discharge was a blocked sewer due to third party vandalism.

The cause of the fish deaths is unknown, most likely a combination of natural factors such as low water level, high water temperature, and low oxygen levels associated with the hot weather, fish spawning and the sewage input.

NIRS 01772647 on 22 January 2020 was a report of oil, source unknown
NIRS 01794466 on 1 April 2020 was a due to sewage liquor from a blocked sewer but the location was on the watercourse downstream of Stubbers Green Nature Reserve so would not affect this site.

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

Information Withheld

We have redacted the enclosed document, as we are not able to disclose any information which would identify living individuals (not including Environment Agency staff) as this is personal data under the DPA 2018 and to disclose it would breach the First Data Protection Principle of the DPA.

As a public body we are required under the Freedom of Information Act/Environmental Information Regulations to give reasons for this refusal. We also need to show that we have considered the Public Interest balance between refusal and disclosure. However, there is no requirement to conduct a public interest test where the refusal relates to the exception for personal data.

The information requested is therefore exempt due to Regulation 13(1) of the Environmental Information Regulations 2004, which explains that:

“To the extent that the information requested includes personal data of which the applicant is not the data subject, a public authority must not disclose the personal data if—

(a) the first condition is satisfied...”

The ‘first condition’ referred to above is further explained in Regulation 13(2A):

“The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations—

(a) would contravene any of the data protection principles...”

The First Data Protection Principle requires that we are fair to individuals when we collect and use their personal data. In this case it would be unfair to disclose the names of individuals who make requests for information, as those individuals have a reasonable expectation that their names, given to the Environment Agency, would remain confidential.

Right of Appeal

If you are not satisfied with this review of our decision not to supply the requested information 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

Jan Cope

Tame & Upper Avon Land and Water Team Leader

For further information please contact the Customers & Engagement team on

Tel. 02084 747856

Direct e-mail:- enquiries_WestMids@environment-agency.gov.uk