

I M Witham

Our ref

EAn/2018/78023

request-467408-062118fe@whatdotheyknow.com

Date

08 May 2018

Dear I M Witham

Re: Request for information about Tidal River Glaven and Cley next the Sea

Thank you for your request received on 25 February 2018 and for your further email of 7 April about the public right of way recorded as Cley next the Sea Footpath 23.

You have asked for "all information held regarding the diversion of the tidal River Glaven in any way those works affected, or connected to, the public right of way recorded as Cley next the Sea Footpath 23. To include: maps, plans, correspondence, emails, reports, records of internal communications, meeting, notes of telephone conversations etc".

In our recent correspondence you have clarified that you are looking for information relating to the Environment Agency's actions in breaching the public footpath no. 23 at Cley as part of the River Glaven realignment works. These works were carried out in 2005/6. We are therefore providing you with information from around that time and in relation to that activity.

In addition to the information provided, we do hold correspondence dating back to 2009 when you first contacted us with your concerns about the legality of the diversion of the footpath. This relates to our subsequent attempts to seek to regularise the position with North Norfolk District Council and Norfolk County Council. You will already have much of this correspondence in your possession but if you would like us to interpret your request as including this subsequent information do let us know.

We are providing copies of information we hold from 2005/6 when Footpath 23 was realigned.

- Blakeney Freshers River Glaven Realignment Volume 1
- Blakeney Freshers River Glaven Realignment Volume 2
- Public Path Diversion Order HW2/20/05
- Spring 2005 River Glaven (RGCG) Newsletter pages 6 and 7
- RGCG March 2008 Newsletter
- Stiffkey to Cley – National Trails information sheet
- Various photographs dated 2004

The documents listed above have been uploaded to our sharefile system and can be accessed using this link: <https://ea.sharefile.com/d-s01e82f21e654cdbb> Please be aware, this link will expire 30 days after 2 May 2018.

Please refer to the Open Government Licence available here <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> which explains the permitted use of this information.

East Anglia Area

Ipswich Office, Icen House, Cobham Road, Ipswich, Suffolk, IP3 9JD
Brampton Office, Bromholme Lane, Brampton, Huntingdon, PE28 4NE
General Enquiries: 03708 506506

Email: enquiries@environment-agency.gov.uk

Website: <https://www.gov.uk/government/organisations/environment-agency>



We are withholding the names and signatures that could identify personnel from organisations outside of the Environment Agency as this is personal data under the Data Protection Act 1998 (DPA) and to disclose it would breach the First Data Protection Principle of the DPA. We have therefore redacted this information. However, all the other information from our Health and Safety files has been disclosed.

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. **You can find the details in the appendix attached.**

If you are not satisfied you can contact us within 2 calendar months to ask for our decision to be reviewed. We shall review our response to your request and give you our decision in writing within 40 working days.

If you are still not satisfied following this, you can raise a concern with the Information Commissioner, who is the statutory regulator for Freedom of Information and the Environmental Information Regulations. The contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Website: <http://ico.org.uk>

Yours sincerely

Customers & Engagement Officer

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Appendix

Relevant exceptions

The exception that applies to the withheld information is:

EIR Regulation 13(1) Personal data:

We are withholding the names and signatures that could identify personnel from organisations outside of the Environment Agency as this is personal data.

The information we are withholding is 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 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 the 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 third party otherwise than under these Regulations would contravene any of the data protection principles'.

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 employed by private businesses as those individuals have a reasonable expectation that such information held by the Environment Agency would remain confidential.

There is no requirement to conduct a public interest test where the refusal relates to the exception for personal data.

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