

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 25 January 2023

Public Authority: Environment Agency
Address: Horizon House
Deaney Road
Bristol
BS1 5AH

Decision (including any steps ordered)

1. The complainant has requested correspondence with a particular company.
2. The Commissioner's decision is that the above public authority ("the public authority") has failed to respond to the request within 20 working days and has therefore breached Regulation 5(2) of the Environmental Information Regulations.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the EIR, to the request.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On a date prior to 25 November 2022 (the complainant says that it was 31 October 2022, but no definitive proof of the date of delivery has been provided), the complainant wrote to the public authority and requested information in the following terms:

“provide us with copies of all correspondence between the EA and Sorbon Estates and vice versa referring to the so-called Friday Street slipway and associated moorings at Henley-on-Thames from 1st December 2021 to the present time.

As well as direct emails and letters between the EA and Sorbon Estates, there should be included all internal EA minutes and notes relating to discussions/meetings/telephone calls between the two organisations concerning the Friday Street slipway”

6. The public authority did not acknowledge the request and had failed to provide a substantive response by the date of this notice – despite a reminder from the Commissioner.

Reasons for decision

7. The Commissioner has not seen the requested information but, as it is information relating to a right of access to a waterway, he believes that it is likely to be information about a measure affecting the elements of the environment. For procedural reasons, he has therefore assessed this case under the EIR.
8. The Commissioner considers that the request in question constituted a valid request for information under the EIR.
9. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the public authority has breached Regulation 5(2) of the EIR and must now respond to the request within 35 calendar days.

Right of appeal

10. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF