

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 August 2023

Public Authority: Environment Agency

Address: Horizon House
Deaney Road

Bristol

BS1 5AH

Decision (including any steps ordered)

1. The complainant has requested copies of any written communications between three organisations and several named individuals.
2. The Commissioner's decision is that the Environment Agency has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Environment Agency to take the following step to ensure compliance with the legislation.
 - The Environment Agency must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Environment Agency must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 8 March 2023, the complainant wrote to the Environment Agency and requested information in the following terms:

"I would like to receive copies of any and all written communications sent from 25 September 2022 to the present day between:

- Water UK
- Southern Water
- South West Water

AND

[names redacted]

"Written communications" in this context includes, but is not limited to: letters, emails, memos, cover sheets associated with any documents, briefing notes, meeting agendas, text messages, and messages sent through messaging apps (e.g. WhatsApp). Please also provide attachments to these communications and any external reports referenced in the correspondence.

I would also like to see the following information regarding any meetings held between the companies and persons named above over the same time period:

- a full list of attendees, including the full names and titles of each attendee
- a full list of attendees, including the full names and titles of each attendee
- The time, date and duration of when the meeting took place
- A copy of the agenda for the meeting
- Materials that were handed out and received during the meeting, such as presentation slides, brochures, reports, and leaflets
- Minutes taken during the meeting, as well as any accompanying briefing notes and papers."

6. The Environment Agency acknowledged the request on 14 March 2023.

Reasons for decision

7. Section 1(1) of FOIA states that: "Any person making a request for information to a public authority is entitled – (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him."
8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
9. From the evidence provided to the Commissioner in this case, it is clear that the Environment Agency did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Environment Agency has breached section 10(1) by failing to respond to the request within 20 working 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

Joanna Marshall
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF