

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

Decision notice

Date: 9 July 2024

Public Authority: Natural England
Address: Foss House
Kings Pool
1-2 Peasholme Green
York
YO1 7PX

Decision (including any steps ordered)

1. The complainant has requested any correspondence between King Charles and Tony Juniper on specific subjects relating to climate change. Natural England stated no information was held.
2. During the course of the Commissioner's investigation one letter was found which the Commissioner considers is in scope of the request. He finds that on balance, following additional searches, Natural England has identified all relevant information it holds. However, he finds that Natural England did not comply with its obligation under regulation 5 EIR at the time of the request as it did not locate and provide all relevant information within the statutory timeframe.
3. The Commissioner requires Natural England to take the following steps to ensure compliance with the legislation:
 - Provide the complainant with a copy of the letter from Tony Juniper dated 1 March 2023.
4. The public authority must take these steps within 30 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 4 October 2023, the complainant wrote to Natural England and requested information generated between 1 February 2023 and the date of the request. The information requested was as follows:

"1. During the aforementioned period did His Majesty the King write to or communicate with Tony Juniper. Please note I am only interested in that correspondence and communication in which the King mentions or in any way refers to any of the following. If the answer is yes, can you, please provide copies of this correspondence and communication.

- (i) ... Natural England and or Mr Juniper's role at Natural England and or the role Natural England can play in the fight against Climate Change and or environmental loss and depletion.
- (ii) ... The King's own ideas about Natural England's current remit and or its ongoing work and or what it might be able to do in the future to protect the British countryside and or to protect Britain's flora and fauna and or to contribute to the fight against climate change and environmental depletion.
- (iii) ... The principle of Net Zero and or the British government's attitude towards Net Zero and or the British Government's policies designed to achieve Net Zero. This will include but not be limited to the government's recent decision to extend the deadline for the phasing out of petrol and diesel cars and for the phasing out of gas boilers.
- (iv) ... The State of Nature Report 2023 and or the general depletion of Britain's wildlife and or the increase in the number of UK species facing extinction.

2. During the aforementioned period did Tony Juniper write to or communication with the King. Please note that I am only interested in that correspondence and communication in which the King mentions or in any way refers to any and or all of the issues listed in question one. If the answer is yes, can you, please provide copies of this correspondence and communication."

6. Natural England responded on 30 November 2023 citing regulation 12(4)(a) – information not held – as following searches of its electronic and paper records no information had been found.

7. Following an internal review Natural England responded with the outcome on 6 February 2024 upholding its position.

Scope of the case

8. The complainant contacted the Commissioner on 8 February 2024 to complain about the way their request for information had been handled.
9. The Commissioner considers that the scope of his investigation is to be to determine if Natural England holds any information in scope of the request.

Reasons for decision

Regulation 5(1) duty to make environmental information available on request

10. Under regulation 5(1) of the EIR, a public authority must make environmental information available on request if it holds the information and it is not subject to an exception.
11. Where there is a dispute between a public authority and a complainant as to whether all requested information falling within the scope of a request has been provided to the complainant, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide the matter based on the civil standard of the balance of probabilities.
12. The Commissioner asked Natural England to explain the searches it had carried out to determine if it held information in scope of the request.
13. Natural England explained it searches its electronic shared drives and work email accounts for correspondence between Mr Juniper and King Charles. Natural England confirmed that any official correspondence is sent via work email accounts and if emails were saved outside of work email accounts they would be in electronic file storage.
14. Natural England explained it searched its electronic records using the following search terms: King Charles, Prince Charles, Royal, His Royal Highness and Clive Alderton (the King's Private Secretary).
15. Natural England asked Mr Juniper directly to confirm if he had engaged in any official communication during the period specified in the request. Mr Juniper identified a letter from March 2023 he had written to King Charles. The Commissioner has viewed this letter and considers it would

be in scope of the request as it falls within the specified time period and is on the subject matters described in the request. As Natural England has not indicated there is any reason for this to be withheld under other EIR exceptions from disclosure, the Commissioner now expects Natural England to disclose this letter.

16. Mr Juniper also identified a draft for a social media post regarding The Wildlife Trusts initiative 'Coronation Gardens'. However the Commissioner does not consider this in scope of the request as it is neither a communication from King Charles to Mr Juniper nor from Mr Juniper to King Charles directly.
17. The Commissioner's satisfied that on balance no further recorded information is held in scope of the request beyond the additional letter located during the course of the Commissioner's investigation.
18. Natural England has provided sufficient explanations of the searches it has carried out and why these would have returned any relevant information. It explained where information would be held and carried out fresh enquiries resulting in locating one document in scope of the request.
19. Whilst the Commissioner is satisfied that on balance all recorded information has now been located, as it is only as a result of the additional searches and enquires carried out during the Commissioner's investigation, he finds that Natural England did not initially meets its obligation under the EIR for this request.
20. He now requires Natural England to disclose the letter from Mr Juniper to King Charles located following the additional enquiries made with Mr Juniper.

Right of appeal

21. 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

22. 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.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jill Hulley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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