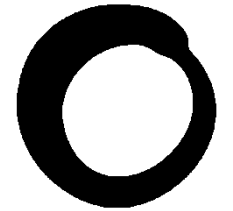


June 2011

Infosheet

Right to Know



**Friends of
the Earth**

Right to Know

Public authorities are under a legal duty to give you access to information they hold.

This right is subject to exceptions – but they only apply if the public interest in protecting the information is greater than the public interest in its disclosure.

Information is power. If you want to challenge a development in your area or the closure of a public service, the more information you have about the proposal, the better! You have a right to information, and this factsheet is about how to access it.

So far as environmental campaigning is concerned, the right to know is contained two, very similar, pieces of legislation: the Freedom of Information Act 2000 (“FOIA”) and The Environmental Information Regulations 2004 (“EIR”). It’s best always to mention both when making applications to public bodies for information disclosure, but this factsheet will concentrate on the EIR. It is the legislation you are likely to use in 95% of ‘environmental’ campaigning. EIR applies to some private organizations carrying out public functions as well as public authorities; the exceptions under the EIR are narrower; and under the EIR, the public authority cannot refuse to disclose information on the grounds of cost. – if you’d like to know more about the FOIA, you can find lots of detail in the Community Rights and Resources pack.

The EIR provide a right of access to ‘environmental information’. There is a complex definition, but it basically covers any stored information about things are commonly understood to be environmental matters. Public bodies are able to resort to some exemptions if they don’t want to disclose the information.

Under the EIR, a public authority wishing to withhold information from you must show:

- that the exemption they are trying to use is relevant to the information you want.
- that the public interest in protecting the information is greater than the public interest in its disclosure.

Some examples of exemptions are that the release of information would harm national security, international relations, law enforcement or commercial activity.

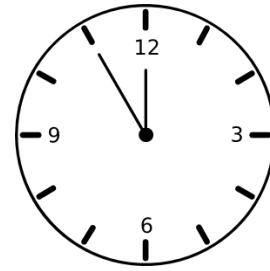


How do I go about getting the information?

That’s easy – you just call, email or write a letter to the public authority from whom you are seeking the information asking for it. You must give your name and address. You must describe the information as clearly as you can. You may request the information in any format (such as CD Rom or in electronic form). The public authority must provide it in that format unless it is unreasonable to do so or if it is readily accessible to you in another format (i.e. online).

What should I expect to happen?

The public authority must tell you whether they hold the information and, subject to any legal exemption, must provide you with a copy of it. The information must be sent as soon as possible, and within a maximum of 20 working days, unless it is very complicated – in which case they get an extra 20 days to comply, but have to let you know that it will take longer.



Will it cost me anything?

Unless you ask for an extremely large volume of information, you cannot be charged for the time it takes to respond to your request or gather the information. You might be charged for the cost of photocopying and postage if you have requested 'hard copies' of documents. However, if they intend to charge you, a fees notice will be provided before any information is sent. You will be able to make the choice about whether to proceed, and can challenge the charges if you think they are unreasonably high.

What if they refuse to give me the information - is that the end of the matter?

No, you can appeal. Firstly, you can ask for an internal review of the decision. If you're not satisfied with that, you can appeal to the Information Commissioner. If it's still going you can appeal to the High Court, but you would be well advised to take legal advice by that stage! If you are refused information you can call our free advice line for help with asking for an internal review – 0808 801 0405 or email legal@foe.co.uk

How can I learn more?

There's plenty of detail in the Friends of the Earth Community Rights and Resources Pack, on both EIR and FOIA.