



**berneslai**  
homes

# **Environmental Information Regulations Policy**

## Document Control

<b>Title</b>	<i>Environmental Information Regulations Policy</i>
<b>Author</b>	<i>Performance and Information Manager</i>
<b>Subject</b>	<i>Environmental Information Regulations</i>
<b>Approved by</b>	<i>Berneslai Homes Executive Management Team</i>
<b>Approved date</b>	<i>June 2015</i>
<b>Review date</b>	<i>2 years from the date of approval or when there are either changes in law or best practice guidance.</i>
<b>Review responsibility</b>	<i>Head of Governance and Strategy</i>
<b>Applicable to</b>	<i>All Berneslai Homes employees, temporary staff, contractors, board members and anyone working on behalf of Berneslai Homes</i>
<b>Regulatory Framework</b>	<i>Environmental Information Regulations 2004</i>

## Revision History

<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Comments</b>
<b>12/5/15</b>	<b>0.1</b>	Performance and Information Manager	<i>First draft</i>
<b>03/07/15</b>	<b>1.0</b>	ICT Manger	<i>Following Human Resources Committee approval</i>
<b>30/05/2018</b>	<b>1.1</b>	ICT Manager	<i>Revised policy due to changes in GDPR</i>
<b>01/12/2021</b>	<b>1.2</b>	Data Protection Coordinator	<i>Revised policy due to team name changes</i>
<b>16/04/2024</b>	<b>1.3</b>	Data Protection Coordinator	<i>Reviewed. Updated references to UK GDPR and clarity for review handling section 7.</i>

## Consultation and distribution

<b>Type</b>	<b>Details</b>
<b>Consultation</b>	<i>Berneslai Homes Senior Management Team and Berneslai Homes Human Resources Committee</i>
<b>Distribution</b>	<i>All Berneslai Homes employees, temporary staff, contractors, board members and anyone working on behalf of Berneslai Homes</i>

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## 1. Introduction

- 1.1 Berneslai Homes are committed to complying with the provisions of the **Environmental Information Regulations 2004 (EIR)**, which came into force on 1<sup>st</sup> January 2005.
- 1.2 The Environmental Information Regulations 2004 give rights of public access to recorded environmental information held by public authorities, this includes Berneslai Homes. In general terms, environmental information is **information about land development, pollution levels, energy production and waste management**. Also, information which relates to the **state of human health and safety e.g., contamination of food chain, living conditions; cultural sites and built structures where effects on these from the elements impact on human health and safety**.
- 1.3 The Regulations require public authorities to make environmental information available proactively; and enable members of the public to request environmental information from public authorities.
- 1.4 The principle behind the law is that giving the public access to environmental information will encourage greater awareness of issues that affect the environment. Greater awareness helps increase public participation in decision making; it makes public bodies more accountable and transparent, and it builds public confidence and trust in them.
- 1.5 There is a presumption in favour of disclosure. Access to information can only be denied if an exception (i.e., an exemption) is cited in accordance with the legislation subject to the public interest test dictating that the information should not be disclosed.
- 1.6 The EIR is regulated by the Information Commissioner Office.
- 1.7 The Environmental Information Regulations complements or supports the following legislation:
  - **UK General Data Protection Regulation (GDPR)**, that gives individuals access to personal information held about them by Berneslai Homes;
  - **Freedom of Information Act 2000** gives access to recorded (non-environmental) information held by public authorities;
  - **Protection of Freedoms Act 2012** requires public authorities to provide available datasets in a re-usable format so far as reasonably practicable;
  - **Local Government Act 1972** that contains the main access to information rules in relation to all meetings of Berneslai Homes and the formally established committees and sub-committees of Berneslai Homes; and

- **INSPIRE Regulations 2009**, which make spatial datasets (sets of data linked to geographical locations) publicly available in a consistent and useable electronic format.

1.8 The EIR have directly incorporated the definition of environmental information from European Directive 2003/4/EC on public access to environmental information.

## 2. Policy Statement

2.1 Berneslai Homes will comply with all the relevant provisions of the Environmental Information Regulations 2004.

2.2 Berneslai Homes will provide **advice and assistance** to help people make requests under the EIR. Berneslai Homes aims to respond to all requests promptly and within the statutory response period of **20 working days** following receipt of a valid request.

2.3 In cases where information is covered by an exception or other legislation, consideration is given as to whether or not it is in the public interest to disclose regardless of the exception cited.

2.4 Berneslai Homes has adopted and **will maintain a Publication Scheme**, which contains details of all the information that Berneslai Homes makes available to the public. The Publication Scheme is subject to regular review, including the duty under the Environmental Information Regulations to make environmental information available proactively using easily accessible electronic means.

2.5 Berneslai Homes is committed to conducting its affairs in a transparent manner and enabling public access to its information, whilst ensuring the integrity of its information and protecting the privacy of its customers.

## 3. Scope

3.1 This policy informs recipients of Berneslai Homes services, members of the public and external parties of the processes the Company has established for complying with the Environmental Information Regulations 2004.

- 3.2 This policy operationally applies to **all employees of Berneslai Homes, elected members, contractors, agents, partners and temporary staff** working for or on behalf of Berneslai Homes.
- 3.3 This policy does **not cover Subject Access Requests** (requests for access to information about a living individual which could identify them). These requests are exempt from the EIR under Regulation 13 and should be processed in accordance with the UK GDPR. Berneslai Homes will carefully consider its responsibilities under the UK GDPR before disclosing personal data about living individuals, including current and former officers, members and users of its services, where it might arise in the processing of a request for information under EIR.

## 4. Berneslai Homes Publication Scheme

- 4.1 Berneslai Homes' **Publication Scheme** is available on Berneslai Homes' website.

The Publication Scheme specifies:

- What information Berneslai Homes will make routinely available to the public as a matter of course;
  - How it will do so; and
  - Whether or not this information will be made available free of charge or on payment of a fee.
- 4.2 EIR Regulation 4 requires public authorities progressively to make available environmental information to the public by electronic means which are easily accessible. Public authorities must take reasonable steps to organise the environmental information they hold relevant to their functions with a view to the active and systematic dissemination of the information to the public.

## 5. Roles and Responsibilities

- 5.1 All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the EIR and in compliance with this policy and the prevailing procedures.
- 5.2 All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless one of the statutory exceptions applies.

Any breach of any provision of the EIR can be deemed as being a breach of any contract between Berneslai Homes and that individual, company, partner or firm.

5.3 Managers are required to ensure that the service areas for which they are responsible have in place adequate guidance on environmental information and effective measures to comply with this policy.

5.4 Third parties who are users of information supplied by Berneslai Homes will be required to confirm that they will abide by the requirements of the EIR and allow audits by Berneslai Homes of data held on its behalf (if requested); and

Indemnify Berneslai Homes against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

5.5 Berneslai Homes will ensure that:

- Everyone managing and handling information understands that they are responsible for following good information management practice;
- Staff who handle information are appropriately supervised and trained;
- Methods of handling information are regularly assessed and evaluated;
- Any disclosure of data will be in compliance with approved procedures;
- All necessary steps will be taken to ensure that data is kept secure at all times against unauthorised or unlawful loss or disclosure; and
- All contractors who are users of information supplied by Berneslai Homes will be required to confirm that they will comply with the requirements of the Regulations with regard to information supplied by Berneslai Homes.
- It will abide by the European Directive 2003/4/EC on public access to environmental information, which expands upon, the definition in the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters 1998. In addition, Berneslai Homes will take account of any guidance which is issued by the Information Commissioner to promote good practice.

## 6. Berneslai Homes Reserves the Right

In respect of any requests for Information, Berneslai Homes reserves the right to:

6.1 Refuse requests on the basis that they **are manifestly unreasonable**, subject to a public interest test. Under the Environmental Information Regulations there is no 'cost limit' for dealing with requests, but requests that cost a disproportionate amount can be refused under regulation 12 (4) (b); Refuse requests for copies of information where it is shown that EIR Regulation 5 or 6(1) (b) has been complied with and the information is already accessible either

for inspection, at a public library or published on a website, or other public resource.

- 6.2 Direct an enquirer to the public resource in which they may find the information they require. Barnsley Council has in place an established service where arrangements can be made to view the Local Land Charges Register;

The Local Land Charges service can be contacted at:-  
PO Box 634  
Barnsley  
S70 9GG  
Telephone: 01226 773054  
Email: [locallandcharges@barnsley.gov.uk](mailto:locallandcharges@barnsley.gov.uk)

- 6.3 Withhold information if it is subject to an exception under the Environmental Information Regulations 2004;

- 6.4 Not provide copies of items subject to copyright restrictions, although these will still be open for inspection under the Act;

- 6.5 In exceptional circumstances, where it is not possible to respond fully within the statutory timescales (**20 working days**), for complex and voluminous requests, the time period may be extended to 40 working days.

## 7. Review/Appeal Handling

- 7.1 If requesters are unhappy with the way Berneslai Homes has handled their EIR request, they should contact the Head of Governance and Strategy. They should clearly mark their correspondence 'Review' and address it to:

- Head of Governance and Strategy, Berneslai Homes, PO Box 627, Barnsley S70 9FZ
- email [BHdataprotection@berneslaihomes.co.uk](mailto:BHdataprotection@berneslaihomes.co.uk)

- 7.2 If requesters are not content with the outcome of their review, they have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Customer Services Team  
Information Commissioner's Office



Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Website: [www.ico.org.uk](http://www.ico.org.uk)  
Tel: 01625 545 745  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

7.3 Berneslai Homes will maintain a record of all complaints and their outcomes.

## 8. References and Related Documents

### 8.1 References:

Freedom of Information Act 2000  
Environmental Information Regulations 2004  
Protection of Freedoms Act 2012  
General Data Protection Regulations  
Data Protection Act 2018  
Human Rights Act 1998

### 8.2 Related documents:

Freedom of Information Policy  
Revised Code of Practice issued under 45 of FOI  
General Data Protection Regulation Policy  
Records Management Policy  
Information Security and Computer Usage Policy  
Publication Scheme