

## **Policy for Responding to Environmental Information requests (for information held by WRS)**

Environmental information Regulations 2004 (EIR) give the public a right of access to information held by public bodies relating to environmental topics, and places obligations on public bodies to release the information on request if it is not subject to an exception.

The definition of environmental information is set out in the EIRs with regulation 2(1) reproduced in Appendix 1. Where a request relates to environmental information and information that is not environmental information, the appropriate regime will be used to respond to the relevant respective elements of the request.

As the shared Environmental Health and Licensing service for the six partner Councils in Worcestershire (“the Councils”), Worcestershire Regulatory Services (WRS) holds much of the environmental information that is regularly requested from the Councils under EIR. WRS is a data processor for the Councils under UK General Data Protection Regulations and Data Protection Act 2018 and the Councils remain the data controllers.

### **Requesting information under EIR:**

Requesters can make a request to the relevant partner Council’s Freedom of Information Officer at the usual postal or Email address, or if the requester knows that the information is or may be held by Worcestershire Regulatory Services via email to [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk) directly. Requests can also be made verbally via the WRS phone number 01905 822799 (unlike with Freedom of information requests).

Where the Councils receive a request for information that is held by WRS, they will send this request to WRS to process. If this is a charged request (outlined below), WRS will process and send out the response to the requester after quoting and obtaining the relevant fee. When sending out a response on behalf of the District Council, WRS will identify a point of contact for the requester to contact for a review of the response. Any response will also include contact details for the Information Commissioner’s Office.

Where the request is identified as a Freedom of Information request, the request will be redirected to the relevant District Council. Where a request does not qualify for a charge the information will be provided by WRS within the statutory response timeframe.

The Partner Councils and FOI Officer email addresses are:

Bromsgrove District Council – [foi@bromsgrove.gov.uk](mailto:foi@bromsgrove.gov.uk)  
Malvern Hills District Council – [foi@malvernhs.gov.uk](mailto:foi@malvernhs.gov.uk)  
Redditch Borough Council – [foi@redditchbc.gov.uk](mailto:foi@redditchbc.gov.uk)  
Worcester City Council – [foi@worchester.gov.uk](mailto:foi@worchester.gov.uk)  
Wychavon District Council – [foi@wychavon.gov.uk](mailto:foi@wychavon.gov.uk)

Wyre Forest District Council – [foi@wyreforestdc.gov.uk](mailto:foi@wyreforestdc.gov.uk)

## **Charging**

In dealing with requests for information under the Environmental Information Regulations, we are entitled to charge a reasonable amount towards the cost of reproducing the information in the format requested. Annually the Councils set their fees and charges in accordance with their own processes. The charge for EIRs is consistent across the partner Councils as a standard hourly rate which allows responses to be provided for individual authority areas and where appropriate as a county dataset consistently and without conflict. The charge for each request is calculated by estimating the time required to provide the response against the approved hourly rate to establish the costs therefore likely to be incurred in collating the information requested in the format requested.

The charge rate is included in Appendix 2 and published on the WRS website and where appropriate in the Committee Reports for each Council where they have been set.

## **Expectations**

- a) Charges for information requests will be applied where it reasonably appears that the information requested is likely to be in the interests of only the individual making the request, and not the wider public.
- b) Information which can be collated and formatted within 30 minutes is free of charge.
- c) Access to any public registers of environmental information held by us or to examine (where possible) any information requested at our offices (Regulation 8(2)) will be free of charge.
- d) Requesters will be directed to information publicly available or where it information has been published elsewhere at the time of request free of charge.
- e) We will issue a 'Fees Notice' and will provide the requested information upon payment of the fee. If the fee is not paid within 60 working days, we will assume you no longer require the information and the request will be closed.
- f) In line with the regulations, the time frame for responding to EIRs will be paused from issue of the Fee Notice to payment being received, but we will endeavour to respond to your request as soon as possible.
- g) WRS will respond to requests (subject to (f) above) within 20 working days.
- h) WRS may extend the period of 20 working days referred to in (g) above if it reasonably believes that the complexity and volume of the information requested means that it is impracticable either to comply with the request within the earlier period or to make a decision to refuse to comply with the request.
- i) Where a request is made under the Freedom of Information Act 2000 but wholly or significantly relates to environmental information, it shall be processed as a request

under the Environmental Information Regulations 2004 without a separate request needing to be made.

- j) Environmental Information will be held in line with the WRS Retention Policy which is available on the WRS website: [About Us | Worcestershire Regulatory Services](#).
- k) WRS will take into account ICO guidance on applying the EIR

### **Refusing a request for Environmental Information**

In rare cases, we may refuse a request in accordance with Regulation 12(4)(b) GDPR where it is considered to be manifestly unreasonable; an example may be on the basis of the time and resources that would be needed to produce a response or if producing a response would interfere with our ability to conduct our core functions. We will also take guidance from the Freedom of Information Act 2000 and consider whether the request would be considered vexatious, and whether the time taken to respond would exceed 18 hours.

Where it is determined that Article 12(4)(b) may apply, Officers will consider whether instead an extension to the deadline to respond is more appropriate than a refusal to provide information, which is permitted under Regulation 7(1). If it is considered that Article 12(4)(b) should be applied, Officers will conduct a public interest test to determine whether the public interest in maintaining the exception (and refusing the information request on the grounds of being manifestly unreasonable) outweighs the public interest in disclosing the information.

Where a request is assessed as manifestly unreasonable the requester will be notified at the time of the request with reference to Information Commissioner's Office Guidance, such as assisting the requester in refining the request if appropriate.

### **Review**

If we consider there are exceptional circumstances, we may waive the charges of producing information to ensure that we do not impose a barrier to access to environmental information. Similarly in the event that a requester considers a charge is excessive or upon receipt of the information you believe the charge to have exceeded the cost incurred by WRS, you may request a review. Any review will be undertaken by a WRS Team Manager, or District Council equivalent.

To request a review please contact: [FOI@worcsregservices.gov.uk](mailto:FOI@worcsregservices.gov.uk) with the subject line 'EIR Review request'. Please ensure you provide full details of the reasons for review including any relevant to provide context to the environmental information request being made if appropriate.

All requester-initiated reviews will be concluded within 10 working days.

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The charges made and requests responded to will be regularly reviewed, to ensure charges do not exceed actual costs.

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## **Appendix 1: Definition of environmental information**

Environmental Information Regulations 2004

Regulation 2(1) states:

2.-(1) In these Regulations

“environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on—

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- (d) reports on the implementation of environmental legislation;
- (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);

## Appendix 2: Charge rate for Environmental Information requests

Any charge for providing environmental information held by WRS is **calculated** as an estimate of time taken to provide the response requested as a charge of **£53.00 per hour** \*.

The charge rate is based on the calculated costs of an Officer for one hour.

\*subject to approval by each Partner Council.

The following charging rules apply:

- Charges for information requests will be applied where it reasonably appears that the information requested is likely to be in the interests of only the individual making the request, and not the wider public.
- Information which can be collated and formatted within 30 minutes is free of charge.
- Access to any public registers of environmental information held by us, or to examine (where possible) any information requested at our offices (Regulation 8(2)), will be free of charge.
- Requesters will be directed to information publicly available or where information has been published elsewhere at the time of request free of charge.