

FE Sector Environmental Information Regulations Procedures

Author/Responsibility	Document Version	Date Implemented	Next Review Due
Lois McKean	4	September 2026	September 2028
Approved at SWG		14 September 2026	

RECORD OF CHANGES

Modifications made since the last review are as follows:

Review Date	Page No.	Change Comment	Date of Change	Initials
August 2026	2	Minor editing, further explanation of EIR	20.08.26	LMcK
August 2026	3-4	Minor editing and further explanation of EIR	20.08.26	LMcK
August 2026	5-7	Editing to provide clarity	20.08.26	LMcK
August 2026	9	Minor editing with update on appeals process	20.08.26	LMcK

1. Background

The Environmental Information Regulations (EIR 2004) provides public access to environmental information held by public authorities, including Further and Higher Education institutions. The College is required to proactively make environmental information available to the public. Members of the public also have the right to request environmental information from public authorities. In this respect, the Environmental Information Regulations are comparable to the Freedom of Information Act (FOIA) 2000, as both frameworks are designed to promote openness, transparency and accountability within public authorities.

The underlying principle of this legislation is that public access to environmental information promotes greater awareness of matters affecting the environment. Improved public understanding supports more informed participation in decision making processes. This enhances accountability and transparency of public bodies and contributes to increased public confidence and trust.

The table below illustrates examples of what EIR (2004) request could consist of:

Type	Description	Examples
Elements	Air, atmosphere, water, soil, land, natural habitats & landscapes	Condition of football pitches
Factors that effect on the environment	Energy, noise, waste, and emissions	Energy used at local theatre
Measures designed to affect the environment	Policies, legislation, and plans	Health and safety plan
Reports on legislation		
Analyses	Cost/benefit analyses related to measures	Health and safety reports
State of human health & safety	Sanitation, food, hygiene and state of buildings	Pool water testing information, hygiene reports for café.

Members of the public have a statutory right (with minor limitations) to:

- a) Obtain (either from the College's website or in some other form) all the information covered by the College's Publication Scheme.
- b) Request (minor limitations may apply) any environmental information held by the College.

When complying with EIR requests, the College will observe the Information Commissioner's Office (ICO) guidance documents and the [Code of Practice](#).

This Procedure complies with the College's Access to Information Policy and outlines the process the College will follow when dealing with requests for information under Environmental Information Regulation (2004).

The process will assist all staff in ensuring that all requests for information relating to the environment are processed in line with the legislation and establish best practice.

2. Scope

EIR provides individuals and organisations the right to request information about the activities of public authorities that relate to, or affect, the environment. These requests will be granted where possible, unless an exception or regulation applies and there is good reason for the information not to be disclosed.

This means that:

- Everyone has right to access environmental information and disclosure should be the default.
- An applicant does not need to give a reason for wanting the information and the College will be required to justify refusing to disclose the information.
- All requests for information must be treated equally.
- Any information released under EIR will be considered as being released to the world at large.

If an exception applies, the individual will be notified of the reasons why their request cannot be met.

In respect of an initial enquiry or receipt for an EIR Request, this procedure applies to all College employees.

Requests for information under the EIR should be forwarded to the Data Protection & Information Compliance Officer (DPO@nwrc.ac.uk).

Once the information request has been forwarded, the procedures scope is limited to the Data Protection & Information Compliance Officer or delegates.

The Environmental Information Regulations contains exceptions to the right of access in order to protect legitimate interest and sensitivities. Unlike, FOIA there are no absolute exemptions but some exceptions and all are subject to the Public Interest Test.

3. How to make an Environmental Information Request

Requests can be sent to the Compliance Officer at:

Data Protection & Information Compliance Officer
North West Regional College
78-80 Strand Road
Derry~Londonderry
BT48 7AL
DPO@nwrc.ac.uk

EIR requests made verbally are also valid. Information covered by the EIR can include:

- anything in writing (letters, emails, notes)
- illustrations (maps, illustrations)
- sound recordings (audio, video)
- any type of computer file, and
- any other material form – that is, any other form where information is held on record.

All individuals must provide a name and contact details for correspondence. In contrast to the Freedom of Information Act, a request is still valid if the individual does not use their real name.

4. Recognising EIR Requests

When the College receives a request for information, it should consider whether the requested information falls within the scope of EIR and should be dealt with under the Regulations. However, it is important to recognise that there are requests which can be dealt with as routine business and do not warrant an EIR. Where there is uncertainty, staff should seek advice from the Data Protection & Information Compliance Officer.

5. Clarification on the Request

Requests are often ambiguous, with more than one possible interpretation or meaning and may be difficult to understand or classify.

The College has a duty under [Regulation 9](#) of EIR to provide advice and assistance, as far as it would be reasonable, if clarity is required or the request is too general to enable a response to be provided. The Regulations states the obligation to:

1. Ask the applicant as soon as possible to provide more particulars in relation to the request, in any event no later than 20 days after the date of receipt of the request; and
2. Assist the applicant in providing those particulars.

Under [Regulations 12\(4\)\(c\)](#), where the College has made all reasonable attempts to assist with request. The request can be refused if;

1. The College has asked the applicant for extra information by offering them advice and assistance, but the request remains too general in manner or ambiguous.
2. An exception applies. However, the reason for withholding the information must be explained to the individual.

The time allowed for clarification to be sought shall not be included as part of the 20 working day response timeframe. The clock is paused until clarification is received.

6. Charges

Under [Regulation 8](#) the College may charge a discretionary amount to make environmental information available. The charge must be reasonable and not exceed the cost of providing the information requested.

Where a charge is made, the College must provide the applicant with a schedule of charges and details on how to make the payment in advance of the information being released.

A public authority shall not make any charge for allowing an applicant:

1. to access any public registers or lists of environmental information held by the public authority; or
2. to examine the information requested at the place which the public authority makes available for that examination.

The College must allow 60 working days for receipt of payment. While this process is underway, the time for response is paused until such payment is made.

7. Calculate Time

The time allowed for complying with a request starts when the College receives it, not when it reaches the Data Protection & Information Compliance Officer or other relevant member of staff. It is, therefore, critical that all requests are forwarded to the Data Protection & Information Compliance Officer as soon as they are received.

EIR states that all requests must be responded to promptly and no later than 20 working days after the date of receipt of the request. The first working day after the request is received will be considered as day one.

A working day is Monday to Friday, excluding weekends and public/bank holidays. ([List of Bank Holidays](#)). A 'working day' is considered to end at 23:59. The College will pause the 20 working day timeframe whilst awaiting clarification requested from the applicant.

The College may extend the time to comply with the request due to the complexity and volume of the information requested. In these exceptional circumstances, the Regulations permit an extension of the 20-working day limit to be extended to 40 working days.

The College must notify the individual of the extension as soon as possible, and no later than 20 working days from the date the request was received.

8. Record of EIR Request

Details of the request will be input onto the College's designated recording system which will record:

- a) The date the request is received to monitor the timescale for response.
- b) Details of the request and any further clarification required and received.

- c) The deadline for reply against the record, noting any amendment due to clarification required. The 20 working day response timeframe begins on the date of receipt by the College, not by the Data Protection & Information Compliance Officer. Therefore, all confirmed or suspected EIR requests must be forwarded to DPO@nwrc.ac.uk as soon as possible.
- d) The date the acknowledgement of receipt of request issued. The acknowledgement letter should be issued no later than 5 working days from receipt of the request.
- e) Details of any exemption applied and reasons for this decision.
- f) All elements of each request must be recorded to support actions taken, decisions made, communications and guidance referred to.

9. Locating the Information/ Identifying the Responsible Owner

EIR only applies to information which the College already holds at the time of the request. Public authorities are not obliged to create information in response to a request. They may be required to manipulate databases to extract information, but not to manipulate data to create new information.

If the information requested is available via the Colleges Publication Scheme, this will be issued as a matter of routine business. The 20 days' timescale for response will still apply.

On receipt of a request, the Data Protection & Information Compliance Officer will identify where the requested information may be held and refer to the appropriate Responsible Owner to collate. Please note, requests may have more than one Responsible Owner.

It may be appropriate to convene a meeting with the Responsible Owner to discuss the request. This allows the Data Protection & Information Compliance Officer opportunity to assess if any clarification is required from the applicant or if any exceptions may apply.

To enable a proper assessment of the information, any Responsible Owner must conduct a thorough search of records within their remit to determine what information is held.

If the information is not held by the College but by another 'Public Authority', the Data Protection & Information Compliance Officer will provide assistance to help the requester and should do one of the following options:

1. Formally notify the individual in writing and explain that some / all of the information is held by another Authority
2. Inform the applicant which Authority may hold the information, provide contact details and suggest the applicant re-applies to that Authority.
3. Advise the individual of another authority where the information may be held.

Where the information is held by a third-party contractor 'on behalf' of the College, the Data Protection & Information Compliance Officer and/or the information owner will engage at the earliest opportunity to retrieve all relevant information.

10. Responding to a Request

Once information has been collated and it has been agreed what can be released, the College should consider if it can be published as a dataset. If this is practicable, the College must undertake to re-publish this data periodically.

The Regulations state that all requests should be responded to in writing. On receipt of a request:

- always respond in writing, regardless of whether the request was made verbally or in writing;
- tell the applicant whether you hold any information;
- make that information available within 20 working days, unless an exception applies; and
- Explain the rationale for the application of any exceptions.

Statistical information may be released as a dataset.

All responses must include the opportunity to request an internal review under [Regulation 11](#) (See Section 13) and the right to contact the ICO if they are dissatisfied with the College process.

11. Exceptions

The main principle behind EIR (2004) is that individuals have a right to submit EIR requests. However, there may be occasions where the College has a legitimate reason, and is permitted to, withhold information. Information released under EIR is considered as released to the general public.

Exceptions available in [Regulations 12\(4\) & 12\(5\)](#) and [Regulation 13](#) of EIR allow the College to withhold information. This can include requests where:

- a) The information requested includes personal data relating to another individual;
- b) The College does not hold the information requested;
- c) The request for information is manifestly unreasonable;
- d) The request relates to material which is still in the course of completion, unfinished documents or incomplete data.

Most exceptions are subject to the Public Interest Test (PIT).

Where there are concerns about the disclosure of information to the public, the College can only withhold information where the Public Interest in maintaining the exemption outweighs the Public Interest in disclosure. The be clear, 'Public Interest' does not relate to information which may 'interest' the public, but information that is 'in their interest'.

The PIT may consider the following when considering an exception.

1. PIT (Disclosure)

- Accountability and transparency of decision making and expenditure
- Upholding standards of integrity
- Understanding of decisions which affect lives of the public and allow challenge
- Informing public of danger to health and safety
- Allowing participation in debate of significance

2. PIT (Withhold)

- Exemption applied/engaged
- Prejudice or detrimental impact of disclosure
- Human rights e.g. Right to privacy
- Effect of disclosure on wider population e.g. personal data.

12. Refusing a Request

Where the College has decided to refuse a request for information under [Regulation 12\(1\)](#) or [Regulation 13\(1\)](#), it must issue a written refusal notice no later than 20 working days after the date of receipt of the request. The refusal notice must be in writing and include the following as per [Regulation 14](#).

1. Details of information which is exempt
2. The reasons not to disclose the information requested
3. The exception/s relied on under [Regulations 12\(4\), 12\(5\)](#) or [Regulation 13](#)
4. Names of any other appropriate Authorities involved
5. The matters the College considered in reaching its decision with respect to the Public Interest under Regulation 12(1)(b) or, where these apply, Regulations 13(2) or 13(3)
6. Details of how to request an internal review
7. Contact detail of the ICO

13. Appeal Process

If an individual is not happy with how the College has handled their request or exceptions applied to the response, they have the right to request an internal review. An appeal should be submitted within 40 working days of receipt of the refusal notice, detailing reasons for dissatisfaction and should be addressed too:

Data Protection & Information Compliance Officer
North West Regional College
78-80 Strand Road
Derry~Londonderry
BT48 7AL
DPO@nwrc.ac.uk

The EIR Code of Practice states that internal reviews should be carried out by someone who did not deal with the original request and, where possible, a more senior member of staff. If this is not possible it should be undertaken by someone trained in, and who understands, the Environmental Information Regulations.

The Data Protection and Information Compliance Officer will convene a panel of independent personnel who will then examine the initial request and response. The panel will make a fresh decision based on all the available information relevant to the request and the applicant's reason for appeal. The panel will assess whether or not the College can reconsider releasing the originally requested information which had been withheld.

The College will issue a response to all internal reviews as soon as possible and no later than 40 working days after receiving the complaint.

If the individual remains dissatisfied following the Appeal Panel decision, they may contact the Information Commissioner's Office at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF
Tel: 0303 123 1113 / [ICO Contact Us](#)

Information Commissioner's Office – NI
3rd Floor
14 Cromac Place
Belfast
BT7 2JB
Tel: 028 9027 8757 / ni@ico.org.uk