

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### Decision Notice.

Dated 1 March 2006

**Name of Public Authority:** The Department of the Environment

**Address of Public Authority:** Millennium House  
17-25 Great Victoria Street  
Belfast  
BT2 7BN

### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 12 March 2005 the following information was requested from The Planning Service Northern Ireland (the "Department of the Environment") under section 1 of the Freedom of Information Act 2000 (the "Act"):

(1) "Copies of all submissions and/or briefings made by the Planning Service, the Department of the Environment or any of its agencies to the Minister, Angela Smith or any other Minister, in relation to the application for and approval of planning permission to store asbestos at Crosshill Quarry.

This request includes all briefings and minutes prepared for meetings with any political delegations; any protest organisations such as Crumlin Against Asbestos and any meetings between the Minister, or Ministers, and the planning applicant."

(2) "Records of all meetings held between the Planning Service and the applicant and copies of the minutes of any such meetings"

It is alleged that:

The Department of the Environment did not provide the requested information within 20 working days.

### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority. The

Commissioner considered whether some of the information that is the subject of this request may fall within the definition of 'environmental information' under regulation 2 of the Environmental Information Regulations 2004, but proceeded on the basis that the outcome would be the same irrespective of which access regime was utilised.

**The Commissioner's decision is as follows:**

The Department of the Environment did not respond to the complainant's request until the 09 May 2005 and has therefore breached section 10 (1) of the Act. Section 10(1) states:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

**Action Required**

In view of the fact the Department of the Environment responded to the complainant's request on the 09 May 2005 and supplied the information requested to the complainant on 10 May 2005, no further steps are required to be taken by the Department of the Environment.

**Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 1<sup>st</sup> day of March 2006

Signed: .....

Graham Smith  
Deputy Commissioner

**Reference: FS50073127**

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF