

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 29 March 2019

Public Authority: Canal and River Trust
Address: Fearn's Wharf
Neptune Street
Leeds
LS9 8PD

Decision (including any steps ordered)

1. The complainant has requested information relating to a Principal Inspection Report. The Canal and River Trust has responded to the request. However, the complainant is unhappy that the Canal and River Trust did not provide a response to the request within the time period stipulated in regulation 5(2) of the EIR (20 working days).
2. The Commissioner's decision is that the Canal and River Trust failed to respond to the complainant's request within 20 working days of receipt and has therefore breached regulation 5(2) of the EIR.
3. Since the request has now been responded to, the Commissioner does not require the Canal and River Trust to take any further steps in relation to this complaint.

Request and response

4. On 20 February 2019, the complainant wrote to the Canal and River Trust and requested information in the following terms:
"Please send me a copy of your Principal Inspection Report carried out by your Earth Structure Inspection Team shortly after the March 2018 breach of Embankment 1 of the Middlewich Branch of the Shropshire Union Canal."
5. The Canal and River Trust responded on 25 March 2019.

Scope of the case

6. The complainant initially contacted the Commissioner on 22 March 2019 to complain about the lack of response to his request for information. After receiving the response of 25 March 2019, the complainant asked the Commissioner to issue a decision notice regarding the delay to the response.
7. The Commissioner has considered whether the Canal and River Trust has dealt with the request in accordance with its obligations under regulation 5(2) of the EIR.

Reasons for decision

Regulation 5 – duty to make available environmental information on request

8. Regulation 5(1) of the EIR says that a public authority that holds environmental information must make it available on request.
9. Regulation 5(2) of the EIR says that the authority must make the information available as soon as possible and no later than 20 working days after the date of receipt of the request.
10. The request was made on 20 February 2019 and a response should have been provided no later than 20 March 2019.
11. The Canal and River Trust responded to the request on 25 March 2019, 23 working days after the date of receipt of the request. It is therefore clear to the Commissioner that, in this case, the Canal and River Trust has failed to respond to the request in accordance with the legislation.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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