

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision notice**

**Date:** 20 December 2022

**Public Authority:** Forestry Commission England  
**Address:** 620 Bristol Business Park  
Coldharbour Lane  
Bristol  
BS16 1EJ

**Decision (including any steps ordered)**

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1. The complainant has requested information relating to the Mountain Biking in Surrey Forum, in particular a PowerPoint presentation.
2. The Commissioner's decision is that Forestry Commission England complied with its obligations under regulation 5(1) and (2) EIR.
3. The Commissioner requires no steps to be taken.

**Request and response**

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4. On 11 August 2022, the complainant wrote to Forestry Commission England and requested information in the following terms:  
  
"A member of your staff [redacted] attended and presented on a Microsoft Teams Call on 22nd March 2022 called "Mountain Biking in Surrey Forum".  
  
The meeting notes from the call (linked below) mention a PowerPoint from Forestry England - "Following three guiding principles and created top tips for riders - can be found on attached PowerPoint" - could you please provide this?"
5. On 9 September 200 the Forestry Commission England responded and provided the complainant with the requested information.

6. On 15 September 2022 the complainant requested an internal review as although Forestry Commission England responded within the twenty working day time for compliance, the complainant did not consider that the response was provided as soon as possible and therefore Forestry Commission England breached its EIR obligations. He also said that Forestry Commission England responded to this request by providing the requested information on a different request made by the complainant on the 'What do they know' website.
7. On 6 October 2022 Forestry Commission England responded to the complainant's concerns. It said that it had responded within twenty working days and confirmed that it endeavours to respond to requests as soon as possible. It noted that the information had been provided on a separate 'What do they know' request made by the complainant but made the point that despite this the information was still communicated to the requester.
8. On 26 October 2022 it provided a formal internal review in accordance with regulation 11 EIR:

"I note your concern that the response was made on day 20, if you accept that it was received on the day made. In all cases Forestry England responds as soon as possible and in many cases is able to respond in less than 20 days, but there will be occasions when the level of or complexity of requests, combined with holiday periods or unexpected absences means that a response can be delayed, and reprioritising to meet the 20 day deadline (where an extension of time under regulation 7 is not needed) can mean that responses are made on day 20. It is just by chance and unfortunate that your request came in at a time when this happened."

### **Scope of the case**

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9. The complainant contacted the Commissioner on 6 October 2022 to complain about the way his request for information had been handled.
10. The Commissioner has considered whether Forestry Commission England complied with regulation 5(1) and (2) EIR in its handling of this request.

## **Reasons for decision**

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11. Regulation 5(2) EIR states that:

“Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.”

12. In this case Forestry Commission England has explained that there are a number of factors which can impact how quickly it is able to respond to EIR requests. In this case due to having to reprioritise responses around those factors meant that the response was provided right at the end (but within) the twenty day limit.

13. Forestry Commission England has explained the various factors that can impact how quickly it is able to respond to a request which would seem to be reasonable. Furthermore it did respond no later than twenty working days from when the request was received.

14. The Commissioner therefore considers it complied with regulation 5(2) EIR.

15. The complainant also asked the Commissioner to consider the fact that Forestry Commission England provided its response on a separate request made by the complainant on the ‘What do they know website’.

16. Regulation 5(1) EIR states that:

“a public authority that holds environmental information shall make it available on request.”

17. Forestry Commission England complied with regulation 5(1) as it did make the requested information available to the complainant.

## **Other matters**

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18. Whilst Forestry Commission England complied with its obligations under regulation 5(1) and (2) EIR in this case, as a matter of good practice and to avoid causing confusion it should respond to requests made on the ‘What do they know’ website on the correct request thread.

## Right of appeal

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19. 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: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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**.....

**Gemma Garvey**  
**Senior Case Officer**

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**