

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 16 August 2022

Public Authority: Southrepps Parish Council
Address: Raynham House
10 New Road
North Walsham
Norfolk
NR28 9DF

Decision (including any steps ordered)

1. The complainant made a request for information relating to all written or electronic correspondence, notes and memos created, sent or received by Southrepps Parish Council (the Council) regarding a named company. The Council initially refused to disclose the requested information under regulation 12(5)(b) EIR but subsequently disclosed information in response to the request.
2. The Commissioner considers that the information requested is the complainant's own personal data and therefore due to regulation 5(3) EIR, the Council was not obliged to comply with this request under regulation 5(1) EIR.
3. The Commissioner requires no steps to be taken.

Request and response

4. The complainant made the following information request to the Council on 28 January 2022:

"Under the Freedom of Information Act, please provide me with copies of any and all written or electronic correspondence, notes and memos created, sent or received by Southrepps Parish Council or by you acting for Southrepps Parish Council regarding [named company], [named individual], [named individual] and [address] Southrepps and the adjacent land."

5. The Council initially refused to disclose the requested information under regulation 12(5)(b) EIR but subsequently disclosed the requested information.

Reasons for decision

6. Regulation 5(1) EIR explains that a public authority that holds environmental information shall make it available on request.
7. Regulation 5(3) EIR explains that, "To the extent that the information requested includes personal data of which the applicant is the data subject, paragraph (1) shall not apply to those personal data."
8. In this case the request is for the complainant's own personal data as it relates to a company set up by the complainant.
9. The Council was not therefore obliged to comply with this request under regulation 5(1) EIR.

Other Matters

10. In this case as the request was for the complainant's own personal data the Council should have processed the request under the Data Protection Act 2018 as a subject access request.

Right of appeal

11. 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@Justice.gov.uk

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

12. 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.
13. 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