

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 13 June 2022

Public Authority: Department for Business, Energy and Industrial Strategy (BEIS)

Address: 1 Victoria Street
London
SW1H 0ET

Decision (including any steps ordered)

1. The complainant requested information from BEIS relating to correspondence they have had with Parliament pertaining to the Climate and Ecological Emergency Bill. By the date of this notice BEIS had not issued a substantive response to this request.
2. The Commissioner's decision is that BEIS has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires BEIS to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. BEIS must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 21 November 2021, the complainant made the following request for information to BEIS:

“The Climate and Ecological Emergency Bill was an Early Day Motion (EDM) tabled on 2 September 2020. A subsequent Private Members Bill, titled the Climate and Ecology Bill was sponsored by Caroline Lucas MP and introduced in the House of Commons on 2 November 2020.

Please can you provide me with official and unofficial correspondence between your department and members of Parliament pertaining to The Climate and Ecological Emergency Bill or the Climate and Ecology Bill. Especially any from The The Right Honourable Kwasi Kwarteng MP, Secretary of State for Business, Energy and Industrial Strategy.

I would like to understand the guidance or advice that you have provided to Members of Parliament who are asking whether or not they should support the bill. Or, requesting help or clarification pertaining to the bill or it's content.”

6. BEIS acknowledged the request on 22 November 2021. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 13 April 2022 to complain about BEIS’s failure to respond to this request.
8. The Commissioner contacted BEIS on 27 April 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention BEIS has failed to respond to the complainant.
10. The scope of this notice and the following analysis is to consider whether BEIS has complied with regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 5(1) of the EIR states that:

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

12. Regulation 5(2) of the 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."

13. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that BEIS has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR

Right of appeal

14. 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

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

15. 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.
16. 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

Michael Lea
Team Manager
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Water Lane
Wilmslow
Cheshire
SK9 5AF