

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

Date: 24 August 2023

Public Authority: Yorkshire Water Services Ltd
Address: Western House
Halifax Road
Bradford
BD6 2SZ

Decision (including any steps ordered)

1. The complainant has requested information about sewage discharges. The above public authority ("the public authority") relied on regulation 12(5)(b) of the EIR in order to withhold the information.
2. The Commissioner's decision is that the public authority has correctly relied on regulation 12(5)(b) of the EIR and that the balance of the public interest favours maintaining this exception. The public authority breached regulation 14 of the EIR by failing to issue its refusal notice within 20 working days and regulation 11 by failing to complete its internal review within 40 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 14 April 2023, the complainant wrote to the public authority and requested various data relating to sewage spills from the Easby and Colburn Sewage Treatment Works during the preceding three years.
5. The public authority responded on 18 May 2023. It refused to provide the requested information and relied on regulation 12(5)(b). It pointed to several of the Commissioner's recent decision notices supporting its position – which it upheld following an internal review.

Reasons for decision

6. The Commissioner has dealt with a number of requests for information relating to sewage overflows and spills – most recently decision notice IC-244679-N2X3.¹ In those previous decisions he has set out why he considers that such information engages regulation 12(5)(b) and why the public interest should favour maintaining the exception.
7. The Commissioner relies on the same analysis set out IC-244679-N2X3 to explain, both why this exception is engaged here and why the balance of the public interest should favour maintaining the exception.

Procedural matters

8. Regulation 14 of the EIR requires a public authority wishing to withhold information to issue a refusal notice within 20 working days. The public authority failed to issue its refusal notice within 20 working days and consequently breached regulation 14 of the EIR.
9. Regulation 11 of the EIR requires a public authority to complete a reconsideration (internal review) of its response within 40 working days of being asked to do so. The public authority failed to inform the complainant of the outcome of its internal review within 40 working days and consequently breached regulation 14 of the EIR.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4026057/ic-244679-n2x3.pdf>

Right of appeal

10. 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

11. 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.
12. 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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF