

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 13 June 2024

Public Authority: Duke of Cornwall
Address: 10 Buckingham Gate
London
SW1E 6LA

Decision (including any steps ordered)

1. The complainant requested information from the Duke of Cornwall on 28 December 2023 ("the Duke"). By the date of this notice the Duke had not issued a substantive response to this request.
2. The Commissioner's decision is that the Duke 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 the Duke to take the following steps to ensure compliance with the legislation.
 - To the extent that the request seeks information about his functions as a harbour authority, issue a substantive response to the request, in accordance with his obligations under the EIR¹.
4. The Duke must take these steps within 30 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.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 28 December 2023, the complainant made the following request for information to the Duke:

"Please provide me with copies of all policies of the Duchy of Cornwall that contain environmental information. For the purposes of this request "environmental information" should be interpreted as having the same meaning as it has in the Environmental Information Regulations 2004."

Reasons for decision

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

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

7. 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."

8. The Duke is a public authority for the purposes of the EIR – but only when acting as the harbour authority for the harbour of St Mary's on the Isles of Scilly. The Duke's duty to respond to requests for information only extends to environmental information which he holds in that capacity as harbour authority.
9. The Commissioner contacted the Duke on 3 May 2024 reminding him of his responsibilities and asking him to provide a substantive response to the complainant within 10 working days. Despite this intervention the Duke has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the Duke did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the Duke 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

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: 0203 936 8963

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.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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