

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

Date: 29 July 2024

Public Authority: Sheffield City Council
Address: PO Box 1283
Town Hall
Sheffield
S1 1UJ

Decision (including any steps ordered)

1. The complainant made a request for information relating to Traffic Regulation Order Harwood Street. Sheffield City Council (the Council) provided three copies of documents within scope of the request with the signatures redacted.
2. The Commissioner's decision is that the Council should have dealt with the request under the EIR. However, having done so, it would have been entitled to rely on Regulation 13(1) of the EIR to withhold the signatures contained in the three traffic regulation order documents. The public authority breached regulation 14 of the EIR as it failed to deal with the request under the EIR.
3. The Council also breached regulation 2(1) of the EIR as it failed to provide all information within scope of the request, the Commissioner requires the Council to take the following steps:
 - Provide the full version of the 'Outer Order Consolidation 2008', or issue a fresh refusal to the complainant that is compliant with the EIR.

4. The public authority 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 7 October 2023, the complainant wrote to the Council and requested information in the following terms:

"I would like to request a copy of the traffic regulation order for the parking bays and waiting and loading restrictions on Harwood Street. Please could this be provided in PDF format, with searchable / selectable text, and inclusive of all schedules.

Please note, this request is for the traffic order in its entirety, not only the part of the order relevant to the location mentioned above. Please do not provide any sort of "extract" that is anything less than the full document."

6. The Council responded on 6 November 2023 and provided copies of three traffic regulation orders. However, it withheld the signatures contained within the documents under section 40(2) of FOIA.
7. In the same response the Council explained that it holds one further document relating to the request but, due to a technical error, it is unable to access the document and it will send it as soon as possible.
8. The Council conducted an internal review on 1 December 2023 maintaining its original position in regards to withholding the signatures under section 40(2).

Scope of the case

9. The complainant contacted the Commissioner on 30 January 2024 to complain about the way his request for information had been handled.
10. The Commissioner considers the scope of this case to be to determine if the Council was entitled to redact the signatures contained within the three traffic regulation orders.

11. During the Commissioner's investigation, the Council provided unredacted copies of the information. However, the Commissioner noted that the document titled 'Outer Order Consolidation 2008' was not accessible.
12. On 9 July 2024 the Commissioner wrote to the Council asking to provide both the Commissioner and the complainant with an accessible version of the 'Outer Order Consolidation 2008'.
13. On 10 July 2024 the Council apologised to the complainant for not providing the document in the original response and provided a draft version of the 'Outer Order Consolidation 2008', however the complainant wrote to the Council explaining that this document contained comments and, as this was not part of the order, he requested the original document.
14. The Council wrote to the complainant on 11 July 2024 stating that it does not hold a 'fully-scanned version of the 'Outer Order Consolidation 2008' and that it was checking with its Legal Services department for a copy of a fully-scanned version.
15. As of the date of this notice, the complainant has not been provided with a full or final copy of the 'Outer Order Consolidation 2008' document.
16. The Commissioner therefore also considers the scope of this case to address the issue of the additional document titled 'Outer Order Consolidation 2008' that was not provided to the complainant and was within scope of the request.

Reasons for decision

Is the requested information environmental?

17. Regulation 2(1) of the EIR defines environmental information as being information on:
 - a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
 - b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases

into the environment, affecting or likely to affect the elements of the environment referred to in (a);

c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a)...as well as measures or activities designed to protect those elements;.

18. The Commissioner notes that not every traffic regulation order is made for the predominant purpose of affecting the elements of the environment. Depending on the precise terms of an order, the environmental impact may be large or small. However, taken as a whole, traffic regulation orders are issued for the purpose of improving the management of traffic (bearing in mind that this could be vehicular, pedestrian or cycle traffic) allowing it to flow more smoothly, more safely, or both.
19. The Commissioner also notes that good management of traffic should reduce emissions. Therefore measures to improve the management of traffic are likely to have an environmental impact – even if this was not the purpose (or, at least, not the predominant purpose) of the measures.
20. The Commissioner considers that the requested information is likely to be information on the elements of the environment and has therefore assessed this case under the EIR.

Regulation 13 – third party personal data

21. Regulation 13 of the EIR allows a public authority to withhold any information, which is the personal data of a person other than the requester, where disclosure to the world at large would violate any of the data protection principles.
22. There is no material difference between the application of regulation 13 of the EIR and section 40(2) of FOIA. Therefore, even if the Commissioner were to consider the matter under FOIA, the test to be applied would be identical.
23. The withheld information comprises of lawyers' signatures on three traffic regulation order documents and the signature on the Outer Order Consolidation 2008 document.

24. The Commissioner refers to two previous decision notices issued on 12 May 2023, IC-228374-W5Z4¹ and 21 May 2024, IC-275502-N3P7². These requests were for copies of traffic management orders made to Transport for London (TfL) and the London Borough of Islington. In these case, the public authorities provided copies of traffic management orders but withheld the signatures under section 40(2) of FOIA.
25. It was determined in both decision notice IC-228374-W5Z4 and IC-275502-N3P7, the requests for information should have been handled under the EIR. The Commissioner accepted that signatures in a traffic management order are personal data and that disclosure is not necessary as there is no lawful basis on which the personal data could be disclosed and disclosure would be unlawful.
26. In agreement with the decision notices issued by the Commissioner in IC-228374-W5Z4 and IC-275502-N3P7, the unlawful processing of personal data violates the first data protection principle and, as such, the Council was entitled to rely on regulation 13 of the EIR to withhold the signatures in the documents.
27. For the avoidance of doubt, the Commissioner would have accepted that section 40(2) of FOIA applied to this information, for the exact same reasons, had the information not been environmental.

Regulation 5(2) – duty to make environmental information available on request

28. 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.”

29. The Council has explained to the Commissioner that owing to Legal Services having undertaken multiple office moves since 2008, locating a fully scanned version of the ‘Outer Order Consolidation 2008’ has been difficult. It explained that there are other places in which the order may be stored which it has not searched yet and with more time it should be able to locate it.

¹ [ic-228374-w5z4.pdf \(ico.org.uk\)](#)

² [ic-275502-n3p7.pdf \(ico.org.uk\)](#)

30. The Commissioner considers this document to be within scope of the original request as it relates to the traffic regulation order at Harwood Street. The Commissioner therefore considers the Council to be in breach of regulation 5(2) of the EIR, as it has failed to provide the document within the statutory timeframe of 20 working days. The Commissioner requires the Council to either provide the complainant with this information, or issue a refusal notice withholding the information that is compliant with the EIR.

Right of appeal

31. 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

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Robyn Seery
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
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