

Environmental Information Regulations 2004 (EIR)

Information notice (Regulation 18)

Date: 7 February 2025

Public Authority: The Executive Board of the University of Exeter

Address: Stocker Road
Exeter
EX4 4PY

Regulation 18

Regulation 18 of the EIR allows the Commissioner to exercise the same powers designated to him in part IV of the Freedom of Information Act 2000 (FOIA) to deal with complaints that arise under the EIR. Under part IV, section 51(1) of FOIA, which is set out below, the Commissioner has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of the EIR.

"If the Commissioner –

(a) has received an application under [Regulation 18 of the EIR], ...

he may serve the authority with a notice (...referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with [Parts 2 or 3 of the EIR] or to conformity with the code of practice as is so specified."

Application under Regulation 18

1. The Commissioner has received an application under Regulation 18 and section 50 of FOIA, reference IC-331040-S4R9, for a decision whether a request for information made by the complainant to the above public authority on 17 June 2024, has been dealt with in accordance with the requirements of Parts 2 and 3 of the EIR.

Reasons for the Notice

2. The Commissioner wrote to the public authority on 6 January 2025, asking it to provide a copy of the information it was relying on regulation 12(4)(d) of the EIR to withhold and for explanations as to why that exception applied and why the public authority had concluded it did not hold some of the requested information.
3. The public authority responded on 20 January 2025. It provided submissions, but not the information it was withholding.
4. The Commissioner wrote to the public authority on 28 January 2025 pointing out that he still needed copies of the information that the public authority was withholding. That correspondence was neither responded to, nor acknowledged.
5. The Commissioner is therefore of the view that an information notice is appropriate in order to compel the public authority to provide the information.

Information required

6. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under Regulation 18 of the EIR and section 51 of FOIA he requires that the public authority shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - Copies of any information it is relying on regulation 12(4)(d) of the EIR to withhold.

Failure to comply

7. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

8. Either party has the right to appeal against this information 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

9. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

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