

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 March 2016

Public Authority: The Environment Agency
Address: Ergon House
Horseferry Road
London
SW1P 2AL

Decision (including any steps ordered)

1. The complainant has requested information from the Environment Agency relating to correspondence between the organization and the Prince of Wales on the subject of flooding.
2. The Commissioner has decided that the Environment Agency breached Regulation 5(2) by failing to respond to the complainant's request within the twenty day compliance period.
3. The Commissioner requires the Agency to take the following steps to ensure compliance with the legislation:
 - Issue a response under the EIR.
4. The Agency 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 5 January 2016, the complainant wrote to the Environment Agency and requested information in the following terms:

"Please note that I am only interested in information which relates to the period 5 January 2014 to the present day."

Please note that the reference to the Prince of Wales should be taken to mean the Prince and or his private office and or anyone specifically acting on his behalf.

Please note that the reference to any Environment Agency employees or representatives should also include their private offices and or anyone specifically acting on their behalf.

- 1. During the aforementioned period has the Prince of Wales exchanged correspondence and communications including emails with any of the three individuals listed below which in any way relates to flooding in the UK and or the impact of flooding and or the causes of flooding and or flood damage and or flood protection measures and or budgets designed to combat flooding. This information could relate to individual incidents of flooding and or individual areas or could relate to flooding across the UK as a whole. If the answer is yes can you please provide copies of this correspondence and communication including emails. The relevant individuals are Sir Philip Dilley and or Sir James Bevan and or David Rooke.*
- 2. Does the Environment Agency employ a member(s) of staff with specific responsibility for communication with members of the Royal Family or the Royal household? If the answer is yes has that employee(s) exchanged correspondence and communications with the Prince of Wales which in any way relates to flooding in the UK and or the impact of flooding and or the causes of flooding and or flood damage and or flood protection measure and or budgets designed to combat flooding. This information could relate to individual incidents of flooding and or individual areas or it could relate to flooding across the UK as a whole. If the answer is yes can you please provide copies of this correspondence and communications.*
- 3. During the aforementioned period has the Prince of Wales met with any of the individuals identified in question one to discuss any of the issues mentioned in question one. If the answer is yes can you please provide the following details. In the case of each meeting can you please provide a full list of those present as well as the relevant date, time and venue. In the case of each meeting please provide details of the topics under discussion. In the case of each meeting can you please provide copies of any briefing documents or similar which were issued to environment agency staff and employees. These briefing documents could have been issued before and or after the meeting.*

4. During the aforementioned period has the Prince of Wales spoken to any of the three individuals identified in question one about any of the issues highlighted in question one. If the answer is yes can you please provide copies of any relevant sounds recordings or telephone transcriptions."

6. On 3 February 2016 the complainant requested an internal review in to the handling of his request.
7. The Environment Agency responded on 3 February 2016 and 1 March 2016 stating it would need more time to gather the information required.

Scope of the case

8. The complainant contacted the Commissioner on 16 March 2016 to complain about the way his request for information had been handled.
9. The complainant specifically stated that the Environment Agency had not responded to his request.
10. The Commissioner has had to consider whether the Environment Agency has handled the request in accordance with Regulation 5(2).

Reasons for decision

11. Regulation 5(2) EIR states

"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".

As no response has been provided to the complainant, the Commissioner requires the Environment Agency to issue a response under Regulation 5(2).

Right of appeal

12. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

13. 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.
14. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF