

Guide to accessing environmental information

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1. Introduction

The Environmental Rights Centre for Scotland (ERCS) aims to increase people's awareness of their rights relating to the environment. One of the most basic of these is the right to obtain environmental information held by public bodies.

This guide discusses how to obtain environmental information.

2. Is the information already available?

A public body can take up to 4 weeks (and sometimes longer) to respond to a request for information. You may find what you're looking for quickly by checking online resources such as **public registers** and **disclosure logs**.



Public authorities must have a ‘publication scheme’ which explains the types of information they routinely make available. An example is [NatureScot’s publication scheme](#).

Public authorities such as councils and the Scottish Environment Protection Agency (SEPA) must keep ‘public registers’ containing copies of certain documents.

Councils keep their planning registers online.

[SEPA’s registers](#) hold information about the sites and operations it regulates.

Some public bodies keep a ‘disclosure log’ listing past requests for information they have received, along with copies of the information they have disclosed in response. For example, you can search [SEPA’s disclosure log](#) using date and subject filters.

3. Requesting environmental information

3.1 The Environmental Information (Scotland) Regulations 2004

The Environmental Information (Scotland) Regulations 2004 (the ‘EIRs’) give members of the public a right to obtain ‘environmental information’.

Environmental information includes information, in any form, on:

- the natural environment, including air, water, land, animal species and their habitats;
- human factors that affect the environment, such as noise, air pollution and waste; and
- policies, plans, programmes, agreements and other measures that affect the above.



3.2 How to request environmental information

Here are our tips for requesting environmental information:

- Put your request in writing. There is no legal requirement for environmental information requests to be written, but it is useful to keep a record.
- Include your name in your request and provide an email or postal address so the authority can reply.
- Describe the information you want as clearly and as briefly as you can. If your request is too broad, it may be refused because of the cost of responding to it.
- Send your request to the relevant email address or address of the public body you are contacting. Most public bodies in Scotland have a freedom of information email address or contact person. If you cannot find this information, you can send your request to anyone working for the public body. The [Scottish Information Commissioner has a list of these contact details](#).

3.3 How your request should be handled

The public authority should respond to your request within 20 working days.¹

You can find out the response deadline using [the Scottish Information Commissioner's response calculator](#). It can be helpful to put the deadline in your diary as a reminder.

If the volume and complexity of the environmental information requested makes it 'impracticable' for a public authority to respond within 20 working days, then the EIRs allow them to extend their deadline for responding by a further 20 working days.²

If they want to extend the deadline, they must tell you before the first time-limit has expired, and give you reasons for extending the deadline.



4. Your appeal rights

4.1 Review requests

If the public body does not respond to your request within the statutory deadline or if their response is unsatisfactory, you can ask for a review.

An unsatisfactory response may be one which:

- Does not contain the information requested;
- Contains only some of the information you requested;
- Refuses to provide you with information; and/or
- Requires you to pay a fee.

If the public body refuses your request, they must explain their decision.³ Their response must also explain how to review it.⁴

The deadline for requesting a review is either:

- 40 working days after you receive the response to your request;⁵ or
- If you did not receive a response, then you have 40 working days after the end of the 20 working day statutory response period.⁶

4.2 How to ask for a review

A review request should be sent in writing. It should contain:

- Details of your original request (include the reference number, if you received one from the public body);
- An explanation as to why you want the public body to review how it handled your request.

The review request should be sent to the relevant person who is named in the public body's response to you. If no individual has been named, the review request can be sent to any other member of staff.



The public body must respond to your review request within 20 working days.⁷

4.3 Appeals to the Scottish Information Commissioner

If you remain dissatisfied with the response to your review request (or if the public authority fails to respond to your review request), you can then appeal to the Scottish Information Commissioner ('SIC').

You must make your appeal within six months of the date when you received (or should have received) the response to your review request.

SIC appeals can take some time.

You should use the SIC's [application form](#) and send all of the documents listed on the form.

Once you submit your appeal, the SIC will check whether your appeal contains all the necessary information and documents they require. If you use the application form, your appeal is very likely to be valid.

The SIC has detailed [guidance](#) on how to make a valid appeal.

Once validated, your appeal will be investigated by an investigation officer, who would be a staff member of the office of the SIC.

The final decision on your appeal will be made by the SIC.

5. Useful resources

- Scottish Information Commissioner: <https://www.foi.scot/your-rights>
- SEPA: <https://www.sepa.org.uk/about-us/access-to-information/>
- NatureScot: <https://www.nature.scot/about-snh/access-information-and-services/access-information>
- EIRs: <http://www.legislation.gov.uk/ssi/2004/520/contents>
- Freedom of Information (Scotland) Act 2002: <http://www.legislation.gov.uk/asp/2002/13/contents>



¹ Regulation 5(2)(a) of the EIRs.

² Regulation 7(1) of the EIRs.

³ Regulation 13 of the EIRs.

⁴ Regulation 13(e) of the EIRs.

⁵ Regulation 16(2) of the EIRs.

⁶ Ibid.

⁷ Regulation 16(4) of the EIRs,