



**Environmental Regulations Policy
GA38**

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. INTRODUCTION

- 1.1 The Freedom of Information Act 2000 (FoIA 2000) and the Environmental Information Regulations 2004 (EIR 2004) provide rights of public access to information held by public authorities, including colleges.
- 1.2 The FoIA 2000 creates one set of rights and applies to information about an organisation and its governance and makes provision for the disclosure of information held by public authorities or by persons providing services for them.
- 1.3 The EIR 2004 creates similar rights and obligations where that information is environmental information. The EIR 2004 does this in 2 ways:
 - (a) public authorities must make environmental information available proactively, such as in a publication scheme; and
 - (b) members of the public are entitled to request environmental information from public authorities.
- 1.4 The EIR 2004 applies to public authorities as defined by the FoIA 2000. The public authorities listed at Schedule 1 of the FoIA 2000 are subject to the Regulations and by virtue of paragraph 53(1) of Schedule 1 the definition of “public authority” includes

The governing body of—

(a) an institution within the further education sector,

...

and therefore the EIR 2004 applies to the College.

Version: April 2019	Next Review: April 2021	Author: Legal and Compliance Officer	SMT Owner: Clerk to the Corporation
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**ENVIRONMENTAL INFORMATION REGULATIONS POLICY
GA38**

1.5 The Regulations will cover **any recorded information** the College holds that falls within the definition of “environmental information”, which is defined as:

any information in written, visual, aural, electronic or any other material form 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) and (b) as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c)...

1.6 Environmental Information is not limited to official documents or information the College creates – it can cover, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings and also information that another person or organisation may hold on the College’s behalf.

1.7 For instance, if the College subcontracts to an external company, that company may then hold environmental information on the College’s behalf, depending on the type of information and the contract with them. If the College receives a request for information under the EIR 2004, some of the information the external company holds may be covered by the Regulations and could fall to be disclosed in response to a request for environmental information.

Version: April 2019	Next Review: April 2021	Author: Legal and Compliance Officer	SMT Owner: Clerk to the Corporation
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ENVIRONMENTAL INFORMATION REGULATIONS POLICY GA38

- 1.8 GA39 Environmental Information Regulations Procedure sets out the procedure that must be followed when responding to a request for environmental information.
- 1.9 It is a similar, yet separate, procedure to the procedure to be followed when responding to a request for information under the FoIA 2000, which is dealt with by GA36 Freedom of Information Procedure.
- 1.10 **Neither the Regulations nor the FoIA 2000 give people access to their own Personal Data.** Individuals have a right of access to information held about them under the General Data Protection Regulations (the GDPR) and the Data Protection Act 2018 (the DPA 2018) which is also the subject of a separate policy and procedure, GA24 Subject Access Policy and GA25 Subject Access Procedure.

2. SCOPE

- 2.1 The College's Environmental Information Regulations Policy has been produced to ensure compliance with the Regulations.
- 2.2 The policy provides a framework for compliance and is supported by appropriate procedures and guidance documents to provide advice and maintain good practice.
- 2.3 This policy applies to all members of staff including temporary or casual or agency staff, and contractors and suppliers working for, or on behalf of, the College.

3. RESPONSIBILITY

- 3.1 The Legal and Compliance Adviser will have day-to-day responsibility for logging and responding to any requests for information under the EIR 2004 received by the College.
- 3.2 The Legal and Compliance Adviser will also have responsibility for ensuring that this policy, associated procedure and guidance document remain up to date.
- 3.3 Overall responsibility for ensuring compliance with this policy rests with the Clerk to the Corporation who is the point of appeal.

4. MODEL PUBLICATION SCHEME

- 4.1 Unlike the FoIA 2000, the EIR 2004 does not require public authorities to make environmental information available under a publication scheme.
- 4.2 However, the Regulations do require public authorities to publish environmental information **proactively** and public authorities can do this in the following two ways:
- they should publish information **by easily accessible electronic means**; and
 - they should organise their records in such a way that they can **publish certain information routinely**.

Version: April 2019	Next Review: April 2021	Author: Legal and Compliance Officer	SMT Owner: Clerk to the Corporation
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ENVIRONMENTAL INFORMATION REGULATIONS POLICY GA38

- 4.3 These obligations are separate from the public authority's duty to make information available in response to individual requests.
- 4.4 The simplest way to comply with both obligations, however, is with a publication scheme and the College has therefore taken a decision to publish certain environmental information routinely on the College websites.
- 4.5 The publication scheme will be overseen by the Legal and Compliance Adviser.

5. RELATED DOCUMENTS

- GA35 Freedom of Information Act Policy
- GA36 Freedom of Information Act Procedure
- GA37 Freedom of Information Act Guidance – Responding to Requests
- GA39 Environmental Information Regulations Procedure
- GA40 Environmental Information Regulations Guidance Responding to Request
- GA24 Subject Access Request Policy
- GA25 Subject Access Request Procedure

6. RELEVANT LEGISLATION

- Environmental Information Regulations 2004
- Data Protection Act 2018
- General Data Protection Regulation

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