

2005-06 Q1 Report

Background

This report is based on the actual information on the Teams Request Trackers, at the end of Q1 2005-06. We only track complex requests, which are defined as:

1. requests which fall outside our normal course of business;
2. requests for information where we might refuse eg sensitive, confidential information or a repeat request;
3. requests for information related to the **policy making process**;
4. requests on which it may be necessary to consult with others either within English Nature or outside;
5. requests for large amounts of information or information which may be difficult to locate;
6. requests which seem unclear or too general to deal with, and where we will need to seek clarification from the applicant;
7. requests for information where a search is made, but none is found.

Requests

- 44 requests for information have been logged on to the English Nature request trackers, a 38% reduction on 2004-05 Q4.
- 98% were identified as requests under the Environmental Information Regulations.
- 2% were identified as requests under the Freedom of Information Act.
- 43% of requests were from businesses.
- 34% of requests were from private citizens.
- 23% split between NGOs, pressure groups, academics and other public bodies.

Information Requested

- 52% of requests related to SSSIs, species or habitat related.
- 23% of requests related to development/planning related.
- 11% of requests related to contracts, surveys and datasets.
- 7% of requests related to management agreements.
- 2% of requests related to human resource issues.
- 5% other types of requests.

English Nature Performance

- We have dealt with 42 requests within our 15 working day service standards.
- We have dealt with one request within the extended deadline of 40 working days.
- We have dealt with one request beyond our service standard but it was within the legal deadline.
- The timeliness of responding to requests breaks down to:
 - 0–5 days = 30 requests
 - 6–10 days = 7 requests
 - 11–15 days = 5 requests
 - 16–20 days = 2 requests
- We have provided all information in 28 cases.
- We have partially provided information in four cases.
- We have refused in full in three cases due using the EIR internal communications and volunteered information exceptions.

- We have transferred the request to a Local Biological Recording Centre under our SLAs in eight cases.
- We have transferred the request to The National Archives on one occasion.
- We have taken the option to extend the deadline on one cases due to the complexity of the request.
- We have taken external legal advice on one case.
- We have referred no cases to Defra or the Department of Constitutional Affairs (DCA), Clearing House.

Another successful quarter, and we are still approaching the requests, with a view to releasing the information. We have improved in consulting early with third parties, which is good. Our timeliness for responding is also excellent and this complies with EIR Regulation 5(2), which says we should reply “as soon as possible”.

Access to Information Workshop

Information Management Team with funding from the programme boards organised a very successful workshop for all Information Request Coordinators in June on Access to Information. The open session, was held in the John Clare Theatre attended by c100 English Nature staff including Information Request Coordinators and other key staff with representatives from RDS, Defra and The National Archives. They heard Phil Newby introduce the session saying how Access to Information was increasing the transparency and level of trust we have with our customers and how it contributes towards our culture of openness.

Three excellent external speakers followed. These being Maurice Frankel, The Campaign for Freedom of Information, Phil Michaels, Friends of the Earth and Rob Evans, The Guardian. They provided different perspectives of the legislation how it was being used outside English Nature and some examples of the good and bad ways to apply the legislation. A good review of the workshop by Tracey Chapman of PMFU appears on page 8 of [Issue 285 of The News](#).

Internal Advice

Requests for internal advice remain at similar levels to last quarter (c120), even though the number of requests has halved. This may be attributed to the continued awareness raising and the Access to Information Workshop that stimulated staff to ask hypothetical questions.

Request of the Quarter

There were no requests, which stood out or had wider public interest.

Appeals decisions this Quarter

Whilst we have not had any requests appealed this quarter, we did review one from last quarter. Friends of the Earth requested details of management agreements including site location, agreement holder, basis for management agreement, type of site, amount paid and term of agreement. We originally refused to release 365 agreements due to data protection and confidentiality issues.

They appealed against this decision and were successful. On review we decided that our original position was no longer sustainable in light of the recent release by the Rural Payments Agency (RPA) on CAP Subsidy payments www.rpa.gov.uk/rpa/rpaweb.nsf?open. The relevant point regarding the RPA decision is that CAP subsidy payments also do not have disclosure clauses, which was the major reason for not releasing the information. In the light of the decision by the RPA, we now accept that we may have taken an over-cautious approach in applying Regulation 13 (personal information) and assessing the Public Interest Test.

Comparisons with Central Government

During the last quarter, the DCA released figures for 2004-05 Q4 performance of the 43 central government bodies that are monitored. The following table shows we compare very favourably with them, but to be fair we have also dealt with fewer requests.

Government Body/Agency	No of Requests Received	No Answered within Deadlines	No of Late Responses (> 20 days)	% of Requests Meeting Deadlines	Full Release	Partial Release	Fully Withheld	% Released in Full	% Withheld in Full
English Nature	77	77	0	100%	65	10	2	84%	3%
Environment Agency	6730	6636	94	99%	6708	10	12	99.7%	0.2%
Ordnance Survey	56	55	1	98%	41	6	1	73%	2%
Dept of Culture, Media and Sport	185	174	11	94%	87	23	9	47%	5%
Dept for Work and Pensions	437	398	39	91%	281	37	72	64%	16%
Dept for Education and Skills	245	219	26	89%	112	48	28	46%	11%
Dept for Transport	591	522	69	88%	377	48	45	64%	8%
Inland Revenue	356	314	42	88%	168	48	81	47%	23%
Cabinet Office	877	726	151	83%	136	103	250	16%	29%
Foreign and Commonwealth Office	513	418	95	81%	92	167	116	18%	23%
Ministry of Defence	1843	1493	350	81%	1146	127	172	62%	9%
HM Customs and Excise	155	125	30	81%	52	18	43	34%	28%
Dept for Environment, Food and Rural Affairs	344	275	69	80%	152	52	40	44%	12%
Office of the Deputy Prime Minister	392	295	97	75%	176	38	25	45%	6%
Rural Payments Agency	74	54	20	73%	27	9	27	36%	36%
Dept of Health	424	242	182	57%	177	34	59	42%	14%
Dept of Trade and Industry	315	159	156	50%	88	28	55	28%	17%
HM Treasury	277	114	163	41%	70	45	57	25%	21%
Home Office	710	284	426	40%	171	61	189	24%	27%

Source: [The Freedom of Information Act 200 – Statistics on Implementation in Central Government - January-March 2005](#), Department of Constitutional Affairs, 2005 and the Environment Agency.

Guidance

New guidance this quarter included updated charging policy, new and revised standards letters, guidance on contacts and disclosure, and guidance on confidentiality.

The Future

Guidance is still being finalised on exceptions based on received legal advice and emerging practice from other public bodies.

Darren Green
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