



MERSEYSIDE RECYCLING & WASTE AUTHORITY

**MERSEYSIDE... A PLACE  
WHERE NOTHING IS WASTED**

## **Publication Scheme: Freedom of Information Act 2000 and 2005 (FOI) and Guidance on Environmental Information Regulations (EIRs)**

**Revised: February 2012**

### **1. Responsible officer and contact information**

- (i) This is the **MERSEYSIDE RECYCLING AND WASTE AUTHORITY\*** Publication Scheme that covers the Authority's operation in the Merseyside area. The full title and address for sending any documents is:

Merseyside Recycling and Waste Authority  
6<sup>th</sup> Floor, North House  
17 North John Street  
Liverpool  
L2 5QY

Telephone: 0151 255 1444  
Fax: 0151 227 1848  
E-mail: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)  
Web address: [www.merseysidewda.gov.uk](http://www.merseysidewda.gov.uk)

*\*Merseyside Recycling and Waste Authority is the public facing name for Merseyside Waste Disposal Authority, which is a statutory Joint Waste Disposal Authority under the Local Government Act 1985*

- (ii) The Senior Officer responsible for the maintenance of this scheme is:  
**Carl Beer, Chief Executive, Merseyside Recycling and Waste Authority**

### **2. Introduction: what is a Publication Scheme is and why it has been developed?**

- (i) One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities should be clear and proactive about the information they will make public. To do this they must produce a Publication Scheme, setting out:
- The classes of information that they publish or intend to publish;
  - The manner in which the information will be published; and
  - Whether the information is available free of charge or on payment.
- (ii) The Authority's Publication Scheme consists of information already published and held by the Authority or information that is to be published in the future.

That means that all information in the Publication Scheme is either available for the public on the Authority's website to download and print off or available in traditional document form on request. Information within the Publication Scheme will be available either free or at a charge – the Authority will explain which is free or which will be provided at a charge later in this document. Details of the Authority's Charging Policy and levels of charges are available upon request.

- (iii) Some information that the Authority holds may not be made public, for example, information that may be commercially confidential, about national security or court records.
- (iv) In addition to the Freedom of information Act, the Environmental Information Regulations (EIRs) 2004 are based on Directive 2003/4/EEC. They give the public access rights to environmental information held by a public authority in response to requests. The Regulations promote the release of as much environmental information as possible to enable increased public participation in environmental decision making. Guidance on applying for information under EIRs is supplied in Appendix One of this Scheme.

### **3. Classes of information published by the Authority**

- (i) The Publication Scheme guides the public to information which the Authority currently publishes (or has recently published) or which the Authority will publish in the future. This is split into 'classes' of information.
- (ii) The 'classes' of information currently published are:
  - **CLASS ONE: Who we are and what we do – organisation information, structures, locations and contacts**
  - **CLASS TWO: What we spend and how we spend it – financial information related to projected and actual income and expenditure, procurement, contacts and financial audit**
  - **CLASS THREE: What are priorities and how we are doing – strategies and plans, performance indicators, audits, inspections, reviews and monitoring**
  - **CLASS FOUR: How we make decisions – decision making processes and records of decisions**
  - **CLASS FIVE: Our policies and procedures – current written protocols, policies and procedures for delivering our services and responsibilities**
  - **CLASS SIX: Lists and registers**
  - **CLASS SEVEN: The services we offer – information about the services we offer including leaflets, guidance and newsletters**

Each section has details of how the information is, or will be published and whether any fees are charged for information contained in the Publication Scheme.

## CLASS ONE: WHO WE ARE AND WHAT WE DO – ORGANISATION INFORMATION, STRUCTURES, LOCATIONS AND CONTACTS

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority's website and as paper or email copy.

**COST:** Free

**Contact for information:** Colette Gill, Senior PR and Communications Officer Tel: 0151 255 1444 Email: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)

**(i) Structure of the Authority:** The Authority was established in April 1986 following local government reorganisation and is controlled by a board of nine elected Members (councillors) representing the five District Councils of Merseyside. Representative Members of each Council sit on the Authority are as follows:

- |  |           |
|--|-----------|
| • Knowsley Metropolitan Borough Council  | 1 Member  |
| • Liverpool City Council                 | 3 Members |
| • St Helens Metropolitan Borough Council | 1 Member  |
| • Sefton Metropolitan Borough Council    | 2 Members |
| • Metropolitan Borough of Wirral         | 2 Members |

### **(ii) Current membership of the Authority 2011/2012**

- Current membership details

<http://www.merseysidewda.gov.uk/meetings-and-governance/>

### **(iii) Staff structure of the Authority**

- Current staff structure

<http://www.merseysidewda.gov.uk/about-us/>

- Senior staff structure  
<http://www.merseysidewda.gov.uk/finance/publication-of-senior-staff-salaries/>

(iv) **Contact information:** The Head Office of MRWA is located at: 6<sup>th</sup> Floor, North House, 17 North John Street, Liverpool, Merseyside, L2 5QY, Tel: 0151 255 1444 Fax: 0151 227 1848, Email: [enquiries@merseyside.gov.uk](mailto:enquiries@merseyside.gov.uk)

<http://www.merseysidewda.gov.uk/contact-us/>

(v) **Responsibilities:** The Authority is responsible for carrying out the duties required by the Environmental Protection Act 1990. These include

- Making arrangements for the disposal of household and commercial waste collected by the District Councils (Waste Collection Authorities) of Merseyside.
- Providing Household Waste Recycling Centres (HWRCs) in the Merseyside area where local residents may dispose and recycle their household waste free of charge. The Authority also provides four Waste Transfer Stations (WTS) and two Materials Recovery Facilities.

<http://www.merseysidewda.gov.uk/about-us/background/>

(vi) **Geographical areas of operation:** The Authority operates 14 Household Waste Recycling Centres (HWRCs), four Waste Transfer Stations (WTS) and two Materials Recovery Facilities (MRF). The locations of these facilities are:

- Liverpool: 1 HWRC, 1 MRF, 1 WTS
- Knowsley: 2 HWRCs
- Sefton: 4 HWRCs, 1 WTS
- St Helens: 4 HWRCs
- Wirral: 3 HWRCs, 1 MRF, 1 WTS

<http://www.merseysidewda.gov.uk/our-services/>

(vii) **Relationship with other authorities:** MRWA works in partnership with the six district councils across Merseyside. MRWA is a

Waste Disposal Authority (WDA) and works with its district council partners who are Waste Collection Authorities (WCAs).

<http://www.merseysidewda.gov.uk/our-services/waste-collection/>

**CLASS TWO: WHAT WE SPEND AND HOW WE SPEND IT – FINANCIAL INFORMATION RELATING TO PROJECTED AND ACTUAL INCOME AND EXPENDITURE, PROCUREMENT, CONTRACTS AND FINANCIAL AUDIT**

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority's website and as paper or email copy

**COST:** Free

**Contact for information:** Colette Gill, Senior PR and Communications Officer Tel: 0151 255 1444 Email: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)

**(i) Summary of revenue budget estimates and capital expenditure plans**

- Budget

<http://www.merseysidewda.gov.uk/finance/budget/>

- Information on Waste Levy and other expenditure for partners

<http://www.merseysidewda.gov.uk/finance/waste-levy/>

**(ii) Annual statement of accounts**

- Merseyside Waste Disposal Authority Statement of Accounts 2010/2011

- Merseyside Waste Disposal Authority Statement of Accounts 2009/2010
- Merseyside Waste Disposal Authority Statement of Accounts 2008/2009
- Merseyside Waste Disposal Authority Statement of Accounts 2007/2008
- Merseyside Waste Disposal Authority Statement of Accounts 2006/2007
- Merseyside Waste Disposal Authority Statement of Accounts 2005/2006

<http://www.merseysidewda.gov.uk/finance/statement-of-accounts/>

**(iii) Financial audit reports**

- Annual Audit Letters

<http://www.merseysidewda.gov.uk/meetings-and-governance/governance-and-audit/>

**(iv) Staff pay and grading structure**

- Senior staff pay and grading structure information

<http://www.merseysidewda.gov.uk/finance/publication-of-senior-staff-salaries/>

**(v) Expenses paid to or incurred by members of the Authority and senior officers**

- Members Allowances Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/members-allowance/>

**(vi) Procurement procedures**

- Financial Instructions

<http://www.merseysidewda.gov.uk/finance/>

- Tender Opening Procedure

<http://www.merseysidewda.gov.uk/finance/>

**(vii) List of contracts and value**

- Financial Transparency Report

<http://www.merseysidewda.gov.uk/finance/publication-of-expenditure/>

- Current Contracts and Value Report

<http://www.merseysidewda.gov.uk/finance/publication-of-contracts/>

**(viii) Internal financial regulations and delegated authority**

- Financial Procedural Rules

<http://www.merseysidewda.gov.uk/finance/>

- Contract Procedural Rules

<http://www.merseysidewda.gov.uk/finance/>

**CLASS THREE: WHAT ARE PRIORITIES ARE AND HOW WE ARE DOING – STRATEGIES AND PLANS, PERFORMANCE INDICATORS, AUDITS, INSPECTIONS AND REVIEWS, MONITORING**

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority's website and as paper or email copy

**COST:** Free

**Contact for information:** Colette Gill, Senior PR and Communications Officer Tel: 0151 255 1444 Email: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)

**(i) Strategic plan, business plan, aims and objectives**

- Corporate Plan

<http://www.merseysidewda.gov.uk/about-us/corporate-plan/>

**(ii) Reports indicating service provision, performance assessments and operation assessment reports**

- Service plans

<http://www.merseysidewda.gov.uk/about-us/corporate-plan/annual-service-plans-2/>

- Performance reports

<http://www.merseysidewda.gov.uk/our-performance/>

**(iii) Reports by external inspectors**

- External Audit Reports



<http://www.merseysidewda.gov.uk/meetings-and-governance/audit/>

**(iv) Joint strategies**

- Joint Recycling and Waste Strategy for Merseyside

<http://www.merseysidewda.gov.uk/waste-strategy/merseyside/>

**(v) Statistical information**

- Waste Data Flow

<http://www.merseysidewda.gov.uk/our-performance/wastedataflow/>

**(vi) Monitoring information**

- Landfill monitoring

<http://www.merseysidewda.gov.uk/our-services/closed-landfill-sites/monitoring-of-landfills/>

- Internal Audit Reports

<http://www.merseysidewda.gov.uk/meetings-and-governance/audit/>

**CLASS FOUR: HOW WE MAKE DECISIONS – DECISION MAKING PROCESSES AND RECORDS OF DECISIONS**

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority's website and as paper or email copy.

**COST:** Free

**Contact for information:** Colette Gill, Senior PR and Communications Officer Tel: 0151 255 1444 Email: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)

**(i) Schedule of meetings open to the public**

- Calendar of Meetings

<http://www.merseysidewda.gov.uk/meetings-and-governance/schedule-of-authority-meetings/>

- Forward Plan

<http://www.merseysidewda.gov.uk/meetings-and-governance/forward-plan/>

**(ii) Agendas and approved minutes of the Authority and Authority sub committees**

- Agendas and minutes

<http://www.merseysidewda.gov.uk/meetings-and-governance/schedule-of-authority-meetings/>

**(iii) Background papers for meetings open to the public**

- Background and supporting papers

<http://www.merseysidewda.gov.uk/meetings-and-governance/schedule-of-authority-meetings/>

**(iv) Public consultations**

- Waste Strategy consultations

<http://www.merseysidewda.gov.uk/your-views/>

<http://www.merseysidewda.gov.uk/waste-strategy/development-of-merseysides-waste-management-strategy/>

<http://www.merseysidewda.gov.uk/waste-strategy/dont-waste-your-say/>

- Planning Consultations

<http://www.merseysidewda.gov.uk/your-views/proposed-new-waste-and-recycling-facilities/>

**CLASS FIVE: OUR POLICIES AND PROCEDURES : CURRENT WRITTEN PROTOCOLS, POLICIES AND PROCEDURES FOR DELIVERING OUR SERVICES AND RESPOSIBILITIES**

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority's website and as paper or email copy

**COST:** Free

**Contact for information:**

**(i) Policies and procedures for the conduct of Authority business**

- Code of Conduct for Officers

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Procedural Rules

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Access to Information Rules

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Members Officer Protocol

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

## **(ii) Policies and Procedures for the provision of services**

- Risk Management Policy Statement

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Climate Change Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Communications Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Sustainable Development Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Environmental Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Corporate Responsibility Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

- Sustainable Procurement Policy

<http://www.merseysidewda.gov.uk/meetings-and-governance/policies-and-procedures/>

**(iii) Policies and procedure for the employment of staff**

- Recruitment information

<http://www.merseysidewda.gov.uk/working-for-mrwa/>

<http://www.merseysidewda.gov.uk/working-for-mrwa/applying-for-a-job/>

<http://www.merseysidewda.gov.uk/working-for-mrwa/current-vacancies/>

- Local conditions

<http://www.merseysidewda.gov.uk/working-for-mrwa/>

- Human Resources policies and procedures

<http://www.merseysidewda.gov.uk/working-for-mrwa/hr-policies-and-procedures/>

- Staff Development Scheme

<http://www.merseysidewda.gov.uk/working-for-mrwa/>

**(iv) Customer service**

- Customer Care policy

<http://www.merseysidewda.gov.uk/contact-us/customer-care-policy/>

- Comments and Complaints policy and procedure

<http://www.merseysidewda.gov.uk/contact-us/making-a-comment-or-complaint-about-the-authority/>

- Comment and Complaints Leaflet

<http://www.merseysidewda.gov.uk/contact-us/making-a-comment-or-complaint-about-the-authority/>

**(v) Records management and personal data policies**

- Freedom of Information Publications Scheme

<http://www.merseysidewda.gov.uk/contact-us/mwda-publications-scheme/>

- Guidance on FOI, EIR and Data Protection

<http://www.merseysidewda.gov.uk/contact-us/freedom-of-information-requests/>

<http://www.merseysidewda.gov.uk/contact-us/environmental-information-regulations-requests/>

**(vi) Charging regimes and policies**

- Charging for information policy

<http://www.merseysidewda.gov.uk/contact-us/freedom-of-information-requests/>

**CLASS SIX : LISTS AND REGISTERS**

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority's website and as paper or email copy

**COST:** Free

**Contact for information:**

**(i) Asset lists and information asset register**

- Asset Register

<http://www.merseysidewda.gov.uk/finance/asset-register/>

**(ii) Registers open to the public inspection (and arrangements for access to the contents)**

**The Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers and Questions to the Authority. Please contact the Clerk to the Authority on Tel: 0151 255 1444 or email [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)**

- Questions to the Authority

<http://www.merseysidewda.gov.uk/meetings-and-governance/schedule-of-authority-meetings/>

- Agenda and Minutes

<http://www.merseysidewda.gov.uk/meetings-and-governance/schedule-of-authority-meetings/>

**(iii) Register of gifts and hospitality**

The Authority is currently reviewing this information

**CLASS SEVEN: THE SERVICES WE OFFER – INFORMATION ABOUT THE SERVICES WE OFFER INCLUDING LEAFLETS GUIDANCE AND NEWSLETTERS**

**HOW THIS INFORMATION IS, OR WILL BE PUBLISHED AND COSTS:** This information is available via the Authority’s website and as paper or email copy.

**COST:** Free

**Contact for information:**

**(i) Information about the provision of the Authority’s services**

<http://www.merseysidewda.gov.uk/our-services/>

**(ii) Regulatory responsibilities and procedures**

<http://www.merseysidewda.gov.uk/about-us/background/>

<http://www.merseysidewda.gov.uk/our-services/closed-landfill-sites/restoration-of-landfills/>

**(iii) Leaflets and explanatory booklets**

- MRWA Publications

<http://www.merseysidewda.gov.uk/publications/>

**(iv) Services for which the Authority is entitled to recover a fee, together with those fees**



- Landfill search database

<http://www.merseysidewda.gov.uk/our-services/land-search-database/>

**(v) Media releases**

- Current and archive news

<http://www.merseysidewda.gov.uk/media-and-news/current-news/>

<http://www.merseysidewda.gov.uk/media-and-news/news-archive/>

## **Making an application for other Information to the Authority**

As well as being able to access information which is publicly available under the Publication Scheme we will answer queries under the existing Code of Practice on Access to Government Information. This allows you to write and ask us to supply you with specific information.

You can also apply for a copy of the personal data we hold about you under the Data Protection Act 1998 - that is information relating to an applicant that has arisen through their employment with the Authority or information obtained about an individual through the Authority's statutory functions.

## **Applications for information under FOIA**

Anyone can ask the Authority for information, which is not already published elsewhere, nor exempt under the FOIA. Under the FOIA you will have the right to ask for information to be provided in a particular way and we will try to meet your request.

You will be able to ask for assistance if you have any difficulty in formulating or making an application by contacting the Authority directly. We will help you as much as possible but we are not required to look for the information you request unless we have:

- a clear and understandable request with enough detail to locate the information;
- your name and address so we can respond to your request; and
- an indication about the form in which you want the information. This will ensure that your application is dealt with as quickly as possible. You should give as much detail as you can in order to assist us in locating the information that you require.

Some documents may include exempt information so you will only get the information which is not exempt. You only have a right to information and not necessarily to documents. Some documents may include exempt information so you will only get the information from them which is not exempt.

Any fee charged will be in accordance with the Authority's Charging for Information Policy and calculated by looking at the costs directly and reasonably incurred locating the information you have asked for and giving it to you.

You will then be sent a 'fees notice' which you will have to pay within three months of your request – you will not receive information until you have paid the costs in the fees notice.

If the estimated cost of providing the information would be above the appropriate limit set by the government then we will not be under a duty to provide the information. However, the Authority will inform you if the limit will be exceeded and we will try to let you know what can be provided within the

limit. Despite not being obliged to provide information which exceeds the limit, the Authority will still be under a duty to advise and assist.

In order to protect the Authority there will be rules which govern multiple applications for information which are clearly trying to avoid the financial limits set by the government. However, we will try to help you as much as possible to get the information you want.

### **Complaints and Feedback**

If you want to make any comments about this Publication Scheme or if you require further assistance or need to make a complaint then initially this should be addressed to the Authority at:

Merseyside Waste Disposal Authority  
6<sup>th</sup> Floor, North House  
17 North John Street  
Liverpool  
L2 5QY

Telephone: 0151 255 1444  
Fax: 0151 227 1848  
E-mail: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)

A copy of the Authority's Comments and Complaints Procedure is also available from the above address upon request.

If you are not satisfied with the assistance that you get from the Authority or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Office of the Information Commissioner.

This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or the Enquiry/Information Line: 01625 545 745  
Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

This document can be made available in large print, Braille and audio tape and in other languages. Please contact:

Merseyside Waste Disposal Authority  
6<sup>th</sup> Floor, North House  
17 North John Street  
Liverpool  
L2 5QY

Telephone: 0151 255 1444

Fax: 0151 227 1848

Email: [enquiries@merseysidewda.gov.uk](mailto:enquiries@merseysidewda.gov.uk)

## **Appendix One**

### **Guidance for using the Environmental Information Regulations**

#### **1. Overview**

(i) The Environmental Information Regulations (EIRs) 2004 are based on Directive 2003/4/EEC. They give the public access rights to environmental information held by a public authority in response to requests.

(ii) The Regulations came into force on 1 January 2005 along with the Freedom of Information Act and cover any information that is considered to be 'environmental information' within the terms of the Regulations.

(iii) The Regulations promote the release of as much environmental information as possible to enable increased public participation in environmental decision making.

#### **2. What is environmental information?**

(i) The definition of environmental information in the EIRs is very wide and includes information which may not be considered environmental at first glance.

(ii) Any information in written, visual, aural, electronic or any other material form on:

- 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;
- 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);
- 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;
- reports on the implementation of environmental legislation;
- cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

- 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).

### **3. Who is covered by the Environmental Information Regulations?**

All bodies meeting the definition of a public authority as set out in Regulation 2(2) of the EIRs are covered by the EIRs.

The full definition as given in the Regulations is as follows:

Subject to paragraph (3), "public authority" means -

- a. government departments;
- b. any other public authority as defined in section 3(1) of the Act, disregarding for this purpose the exceptions in paragraph 6 of Schedule 1 to the Act, but excluding -
  - (i) any body or office-holder listed in Schedule 1 to the Act only in relation to information of a specified description; or
  - (ii) any person designated by Order under section 5 of the Act;
- c. any other body or other person, that carries out functions of public administration; or
- d. any other body or other person, that is under the control of a person falling within sub-paragraphs (a), (b) or (c) and -
  - (i) has public responsibilities relating to the environment;
  - (ii) exercises functions of a public nature relating to the environment; or
  - (iii) provides public services relating to the environment.
- e. Except as provided by regulation 12(10) a Scottish public authority is not a "public authority" for the purpose of these Regulations.

### **4. Exceptions to the release of Information**

The Environmental Information Regulations give the general public a right to environmental information held by a public authority.

There is a presumption under the Regulations that environmental information must be released, unless there are reasons to withhold it.

Regulation 12 lists the exceptions under which a public authority can refuse to disclose information. All the exceptions are subject to a public interest test. Those weighing the public interest of whether to release or withhold information should interpret the exceptions very carefully, seeking legal advice where appropriate.

A request for information can be refused (or part of the information withheld) if:

- Information is not held (then there is a duty to refer the request on)
- The request is manifestly unreasonable
- The request is too general (after fulfilling duty to advise and assist)
- The request is for unfinished documents or data (in which case estimated time for completion must be given)
- The request is for internal communications

A public authority may also refuse to disclose information or withhold part of it in order to protect the following:

- Confidentiality of proceedings
- International relations / public security / defence
- The course of justice and right to fair trial
- Commercial confidentiality
- Intellectual property rights
- Personal / voluntary data
- Environmental protection
- If information relates to emissions, a public authority cannot refuse to disclose it on grounds of confidentiality of proceedings, commercial confidentiality, personal/ voluntary data or environmental protection.

## **5. Clarification in relation to the 'holding information' term**

The EIR definition of holding information is different from that in FOI. Under the EIRs the public authority holds information if the information is in the authority's possession and has been produced **or received by** the authority **or if it is held by another person on behalf of the authority**. This definition goes wider than that of FOI as shown by the wording in bold.

The full definition given in the Regulations is as follows:

### **Application**

- a. Subject to paragraphs (3) and (4), these Regulations apply to public authorities.
- b. For the purposes of these Regulations, environmental information is held by a public authority if the information:

- (i) is in the authority's possession and has been produced or received by the authority; or
- (ii) is held by another person on behalf of the authority.

## 6. How to apply for information in relation to EIRs

Information can be requested in the following formats:

<p>Verbally to the Authority – via phone or in person</p> <p>Tel: 0151 255 1444 or by calling at 6<sup>th</sup> Floor, North House, 17 North John Street, Liverpool, L2 5QY</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>
<p>In writing to the Authority</p> <p>By writing to the Authority at: 6<sup>th</sup> Floor, North House, 17 North John Street, Liverpool, L2 5QY</p> <p>Please mark request: Request for Information in relation to EIRs</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>
<p>By email to the Authority</p> <p>By emailing the Authority at: <a href="mailto:Enquiries@merseysidewda.gov.uk">Enquiries@merseysidewda.gov.uk</a></p> <p>Please mark request: Request for Information in relation to EIRs</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>
<p>By fax to the Authority</p> <p>By faxing the Authority at:</p> <p>Fax: 0151 227 1848</p> <p>Please mark request: Request for Information in relation to EIRs</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>

## 7. Timescales for response

The timescales for response to EIRs requests are:

Initial request for information	Response needed within 20 working days
If request if large or voluminous	Response time may be extended to 40 days. The Authority must write to notify the applicant of the time extension within the first 20 days.



<p>If a charge is requested for the provision of information</p>	<p>Response timescale will be suspended until the payment is received. The information does not have to be provided unless the fee is paid within 60 working days of the request for payment</p>
<p>If the request is formulated in too general a manner you should ask</p>	<p>the applicant to provide more details in relation to the request and the Authority will assist the applicant to do this. This should be done as soon as possible and certainly within the 20 day period. When further details and/or clarification is received, a new 20 day time period for provision of the information starts on the day after the further particulars are received</p>