

Parc Glas Surgery

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ENVIRONMENTAL INFORMATION REGULATIONS (EIR) POLICY

1. PURPOSE

1.1 The Environmental Information Regulations 2004 (EIR) provide public access to environmental information held by public authorities. The Regulations do this in two ways:

- a) public authorities must make environmental information available proactively;
- b) members of the public are entitled to request environmental information from public authorities.

1.2 This policy sets out how Parc Glas Surgery complies with the EIR by ensuring public access to environmental information that we hold, promotes transparency, and supports good environmental governance.

1.3 The EIR cover environmental information relating to:

- a) The state of the environment (air, water, soil, land, landscape, natural sites)
- b) Factors affecting or likely to affect the environment (noise, emissions, energy, waste)
- c) Measures or activities affecting or likely to affect the environment (policies, plans, programmes, legislation)
- d) Reports on the implementation of environmental legislation
- e) Cost–benefit analyses relating to environmental measures
- f) The state of human health and safety where affected by environmental factors

1.4 Parc Glas Surgery recognises that:

- Everybody has a right to access environmental information.
- An individual making a request does not need to give a reason for wanting the information

1.5 This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

2. PERSONNEL RESPONSIBLE FOR THIS POLICY

2.1 The senior GP Partner has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework but has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Practice Manager. Whenever in this policy, there is a requirement to notify us or an individual or department, the individual or department to notify is the Practice Manager or Senior Partner.

3. ALL STAFF ROLE AND RESPONSIBILITIES

3.1 On receipt of an EIR request immediately notify the EIR Lead and follow the EIR policy.

4. EIR ROLE AND RESPONSIBILITIES

4.1 Act as the main point of contact for EIR requests.

4.2 Ensure requests are logged, processed, and responded to within statutory timescales.

5. MAKING A REQUEST

5.1 The legislation does not require that a request is made in writing but Parc Glas Surgery is of the view it is preferable for record purposes that if an individual or organisation makes contact whether by telephone or text, or in any other way asking how they should make a request they should be advised that they can make the request by letter or email to Parc Glas Surgery, Bodorgan, LL62 5NL or enquiries.w94006@wales.nhs.uk

If a request is made in person, we accept we cannot insist upon the request being made in writing, but for record purposes, we will ask the individual to put their request in writing.

If a request is made by phone, we will ask that the request is made either in writing or in person for security purposes.

6.ON RECEIPT OF A REQUEST

6.1 On receipt of a request this should be immediately passed to the EIR lead who will deal with the request. We have 20 working days to respond to the request which can in certain circumstances be extended. *See point 6.3(c) below*

6.2 The EIR lead will:

- a) Record in the EIR database the receipt of the request and the 20th working by which it must be dealt with.
- b) Acknowledge the request within 7 days. We have standard draft letters to be used for acknowledging these requests. We will always respond in writing, regardless of whether the request was made verbally or in writing;

- c) Consider whether we need to notify the requester that we require an extension to the 20 working days' time limit
- d) Undertake full consideration of the request and decide whether to agree to the request or whether there are proper grounds for not agreeing to the whole or any part of the request. *See guidance below on when we can refuse a request*
- e) Prepare a response in respect of the decision and send this to the individual making the request. We have draft responses which can be used as templates.
- f) Record on the EIR data base copies of the full response or setting out the decision made.

6.3 Matters to consider:

- a) Requests can be ambiguous, with many potential interpretations or no clear meaning at all. If we are unsure what information the individual is requesting we will offer them advice and assistance to help to explain, clarify or rephrase their request. This might involve explaining the options available to them, including what information is available, and asking whether any of the suggested options would answer their request.
- b) We have 20 working days to go back to the requester for further information. We do not need to respond until the requester clarifies their request at which point the 20 working day time limit begins.
- c) If we believe that the request's complexity and volume would make it impractical to comply or reach a decision about whether to refuse the request within 20 working days, we can extend the time for compliance from 20 to 40 working days.

7. CHARGES

7.1 We may charge a reasonable fee for complying with an EIR request in some situations.

7.2 When considering whether to charge we will take into account the following:

- a) If it is reasonable to do so
- b) If it would deter the requestor from accessing the information

7.3 If we are satisfied that it is reasonable to charge we will:

- a) calculate the time and costs we will incur in supplying the information taking into account:
 - i. staff time it takes to locate information;
 - ii. staff time to put the information in an appropriate format for disclosure;
 - iii. the costs of photocopying, printing and postage costs in transferring the information to the requester.

7.4 We will never charge more than the actual costs and will not routinely charge for providing information

7.5 A schedule of charges will be provided to the requestor before the request is processed.

7.5 If our reasonable charges are not paid within 60 working days, we will consider that the request has been withdrawn.

8. REFUSALS

8.1 We may refuse to disclose information where an EIR exception applies. Common exceptions include:

- a) the request is manifestly unreasonable
- b) the material is still in draft form
- c) the request breaches confidentiality or data protection regulations
- d) there is a risk of harm for example to the environment or to public safety
- e) we do not hold the information

8.2 If we wish to use one of the exceptions, we must also consider the public interest test. This is an extra stage in the process of deciding what information to provide, which requires us to balance the public interest arguments for disclosing the information against those for upholding the exception.

8.3 If we decide to refuse all or part of the request we will notify the requestor in writing setting out:

- a) Our reasons for the refusal
- b) The right for an internal review
- c) How to complain to the ICO

9. APPEALS

9.1 A requestor can, within 40 working days ask for an internal review of our decision to refuse the request.

9.2 We will deal with a request for an internal review as follows:

- a) This will be carried out by a senior member of staff who was not involved in the first decision
- b) We will respond in writing within 40 working days
- c) We will advise the requestor they can complain to the ICO