

# Natural England Standard

## Access to information – responding to requests for information



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### 1:0 About this standard

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A standard on how to respond to requests for [information](#) is required to ensure that we meet our commitment to promote and develop a culture of openness, transparency and accountability embodied in the Access to Information legislation. This legislation refers to the general right of access that the public have to information held by us and other public authorities. This right of access comes from:

- [The Data Protection Act 1998 \(DPA\)](#)
- [The Environmental Information Regulations 2004 \(EIRs\)](#)
- [The Freedom of Information Act 2000 \(FOIA\)](#)

**Any request for information** held by Natural England - however mundane - is covered by these pieces of legislation. To manage requests we split them into two types: **routine** and **complex**. Please see the [glossary](#) for a detailed explanation of the difference.

This standard brings together into one place the practicalities of our [Access to Information Policy](#) and [Access to Information Statement](#) and how we expect staff to respond to a request for information. It only covers the Data Protection Act as far as it affects the application of the Environmental Information Regulations 2004 (EIRs) and the Freedom of Information Act 2000 (FOIA).—For further details on the Data Protection Act see our [procedures](#).

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### 2:0 The Standard

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The standard covers the following:

- [2.1](#) A set of principles for responding to requests for information.
- [2.2](#) Mandatory requirements for **routine requests** that all staff must follow including links to supporting guidance.
- [2.3](#) Mandatory requirements for **complex requests** that all staff must follow including links to supporting guidance.
- [2.4](#) A glossary of terms.
- [2.5](#) Details of training and support available.

#### 2.1 Principles for responding to requests for information, which can be implemented through the mandatory requirements listed in 2.2 and 2.3

<b>Ownership</b>	All the information you use, including that owned by a third party and generate at work is owned by Natural England.
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<b>Responsibility</b>	You have a responsibility to respond to requests for information. Further information on roles and responsibility can be found in <a href="#">Annex 1</a> .
<b>Obligation</b>	The 'clock starts' as soon as the request is received by Natural England. <ul style="list-style-type: none"> <li>• <b>Routine requests:</b> Natural England's policy is that we respond in full within 10 working days.</li> <li>• <b>Complex requests:</b> the legislation requires that we respond and provide assistance within 20 working days.</li> </ul>
<b>Accuracy</b>	Your response to requests must be factually correct and not misleading.
<b>Openness and Transparency</b>	We have a duty to favour disclosure, unless an exception/exemption applies (see <a href="#">glossary</a> ).
<b>Compliance</b>	You can not deliberately conceal or destroy information that has been requested as this is both a criminal and corporate offence. We must comply with the law in the way in which we process and release information.
<b>Seek internal advice</b>	Where the request is complex or you are uncertain you should contact the <a href="#">Access to Information Team</a> in Customer Services for advice and guidance.

## 2.2 Mandatory requirements for routine requests that all staff must follow.

- The 'how' includes links to supporting guidance or the glossary
- You can also view the process as [flow chart](#)

	What
2.2.1 Service Standard	When someone is asking for <b>routine</b> information and you would normally provide that information there is no need to change the way you would respond.
2.2.2 Response time	We are required to respond to <b>routine</b> enquiries, we need to respond in full within 10 working days.
2.2.3 Reporting	To ensure service standards are met all <b>routine</b> enquiries that cannot be resolved the same working day should be logged. Teams may use the Natural England Feedback and Enquiries Monitoring System (NEFEMS) to do this or an agreed (with Customer Services) alternative system as suits their way of working.

## 2.3 Mandatory requirements for complex requests that all staff must follow.

- The 'how' includes links to supporting guidance or the glossary
- You can also view the process as [flow chart](#)

	What
2.3.1 Service Standard	<ul style="list-style-type: none"> <li>• All <b>complex</b> requests should be handled formally as identified in this standard.</li> <li>• The applicant does not need to quote the legislation for the request to be treated formally.</li> <li>• For all complex requests consult the <a href="#">Access to Information Team</a> at the earliest opportunity.</li> </ul>
2.3.2 Verbal requests	<ul style="list-style-type: none"> <li>• Verbal requests can only be accepted for environmental information; to ensure that you have understood the request correctly, confirm your understanding back to the applicant in writing.</li> </ul>

<p>2.3.3 Transferring a request</p>	<ol style="list-style-type: none"> <li>1. <b>In accepting</b> a request from another organisation you need to confirm that: <ul style="list-style-type: none"> <li>○ We definitely hold the information.</li> <li>○ The applicant has given permission for the request to be transferred. Their explicit consent has to be given before we can accept the request</li> </ul> </li> <li>2. <b>In transferring</b> a request to another organisation, check that: <ul style="list-style-type: none"> <li>○ They hold the information and are covered by the legislation.</li> <li>○ We have explicit consent from the applicant to transfer the request.</li> </ul> </li> </ol>
<p>2.3.4 Response time</p>	<ul style="list-style-type: none"> <li>• An acknowledgement must be sent within 5 working days, saying who is dealing with the request and when a full reply can be expected. See <a href="#">2.3.7</a> for logging a request.</li> <li>• We have a <b>maximum of 20 working days</b> under the legislation to provide the response or notify of a refusal.</li> <li>• We can stop the clock when we need further clarity from the applicant to help us locate the information. The clock restarts when this is received.</li> </ul>
<p>2.3.5 <b>Responsibility</b> - deal with requests promptly</p>	<p>Do not ignore any request you receive, even if it does not relate to your work area. You can transfer it if you know who does hold the information; if not you can:</p> <ul style="list-style-type: none"> <li>○ look on the Corporate Directory</li> <li>○ forward the request on to the <a href="#">Enquiry Service</a></li> <li>○ consult with the <a href="#">Access to Information Team</a></li> </ul>
<p>2.3.6 <b>Transparency</b> - Deal with requests fairly</p>	<p>You must strive to answer requests that are reasonable and specific. You will treat all requests fairly and without prejudice, taking account of the public interest in making information available wherever possible.</p>
<p>2.3.7 Logging, tracking and acknowledging</p>	<p>The <a href="#">Access to Information Team</a> enters requests on to RTRACK and allocates a Request for Information (RFI) number. This number should be included in your acknowledgement which has to be sent within 5 working days, see <a href="#">2.3.4</a>.</p>
<p>2.3.8 Initial Assessment</p>	<ul style="list-style-type: none"> <li>• Conduct an initial assessment as soon as you receive a request, considering carefully what you are being asked to provide.</li> <li>• Identify how much time you will, for complex requests this may include the time needed to: <ul style="list-style-type: none"> <li>○ locate the information</li> <li>○ redact (blank out) any information that is being withheld</li> <li>○ consult with external third parties</li> <li>○ get the response signed off by a senior officer</li> </ul> </li> </ul>
<p>2.3.9 Charging</p>	<p>We do not charge for requests for information unless the charge is set out in our Publication Scheme. We can charge for the cost of media, postage, photocopying etc where these are exceptionally high.</p>
<p>2.3.10 Large requests</p>	<p>Whilst we do not charge, see <a href="#">2.3.9</a>, we still need to be able to calculate how much a request would 'cost'. This is because we are able to refuse a request if it is above the limit of £450 (18 hours staff time) as set by the legislation. When estimating the cost take into account the staff time reasonably incurred when involved in the following activities:</p> <ul style="list-style-type: none"> <li>○ determining whether we hold the information</li> <li>○ locating the appropriate information or a document</li> </ul>

	<ul style="list-style-type: none"> <li>○ retrieving the appropriate information</li> <li>○ extracting the information from a document</li> <li>○ Time spent photocopying/scanning documents does not count.</li> </ul> <p>The <a href="#">Access to Information Team</a> can help you calculate the cost.</p>
2.3.11 Extending response time	<p>In exceptional circumstances an extension of time can be requested through the <a href="#">Access to Information Team</a> because of the complexity and the volume of the information requested.</p> <p>The maximum extension is 20 working days and the applicant must be informed as soon as possible.</p>
2.3.12 Collect and consult	<p>When collating information requested you need to:</p> <ul style="list-style-type: none"> <li>• Locate all types of information of all ages and sources and classification.</li> <li>• Consider the information appropriateness for release, see <a href="#">2.3.14</a>.</li> <li>• Consult internally and externally where necessary.</li> </ul>
2.3.13 Decision	<p>Once information is collated, you will need to decide what to share. Consider the following:</p> <ul style="list-style-type: none"> <li>• There is a presumption for disclosure</li> <li>• Can we release in full or in part or withhold all</li> <li>• Apply exemptions/exceptions where necessary</li> <li>• Conduct the public interest test when applying exemptions/exceptions where appropriate</li> <li>• Agree a decision, if necessary seek management advice</li> <li>• Do not withhold or refuse to release information without seeking advice first. Contact the <a href="#">Access to Information Team</a>, who will be able to give advice on the appropriate way to respond.</li> </ul>
2.3.14 Sensitive information	<p>Contact the <a href="#">Access to Information Team</a> before releasing any information containing anything:</p> <ul style="list-style-type: none"> <li>• personal</li> <li>• sensitive, or</li> <li>• protectively marked</li> </ul>
2.3.15 Response - release in full	<p><b>Release in full</b></p> <ul style="list-style-type: none"> <li>• Use Natural England's letter template.</li> <li>• Obtain the appropriate sign off and disclose the information to the applicant.</li> <li>• Follow the principles identified in the <a href="#">Records Management Standard</a> for keeping copies.</li> <li>• Consider for proactive publication through our website or Natural England's publication scheme.</li> <li>• Include in the disclosures log if the request has wider public interest.</li> </ul>
2.3.16 Response - withhold in part or in full	<p><b>Withhold in part or in full</b></p> <ul style="list-style-type: none"> <li>• For approval on the information you are not releasing liaise with <a href="#">Access to Information Team</a> for sign off. Obtain the appropriate sign off for the information you are sharing.</li> <li>• Use Natural England's template letters and include: <ul style="list-style-type: none"> <li>○ reasons for refusal</li> <li>○ quote exemption/exception, see <a href="#">2.3.13</a></li> <li>○ details of public interest test, see <a href="#">2.3.13</a></li> </ul> </li> <li>• Release the information to the applicant.</li> <li>• Keep copies following the principles identified in the <a href="#">Records Management Standard</a>.</li> <li>• Consider for proactive publication through website or Natural England's</li> </ul>

	<p>publication scheme.</p> <ul style="list-style-type: none"> <li>• Include in the disclosures log if the request has wider public interest.</li> </ul>
2.3.17 Internal Review	<p>All applicants have a right to ask us to revisit our response, including how their request was processed. We do this through an internal review:</p> <ul style="list-style-type: none"> <li>• The internal review is conducted by a more senior member of staff than the person who dealt with the original request, usually the line manager.</li> <li>• They will reconsider how the request was processed and if we withheld information correctly.</li> <li>• The Access to Information Team should be informed of all internal reviews.</li> <li>• The internal review should be sent to the applicant within 20 working days but can go to the legal deadline of 40 working days.</li> </ul>
2.3.18 Complaint to the ICO	<ul style="list-style-type: none"> <li>• If the applicant is still not happy after the internal review they can complain to the Information Commissioner's Office (ICO).</li> <li>• If you are contacted directly by the ICO you will need to get in touch with the Access to Information Team.</li> </ul>

2.4 Glossary	
<b>Disclosure Log</b>	The <a href="#">Disclosure Log</a> shows responses to access to information requests that we regard as having a wider public interest and a summary list of all complex requests received.
<b>Environmental Information</b>	<p>The definition in the Environmental Information Regulations (EIRs) is very broad and covers about 95% of the information Natural England holds. Examples include: land development, pollution levels, energy production, waste management, biological diversity and its components, agri-environment agreements, finance information if related to the environment, policies or plans that would affect the environment.</p> <p>For further information read the Information Commissioner's Office detailed <a href="#">guidance</a>.</p>
<b>Exemptions and exceptions</b>	<p>The legislation does provide exemptions and/or exceptions to disclosure of information. For the Freedom of Information Act eight exemptions are absolute, the rest are subject to the public interest test. For the Environmental Information Regulations all exceptions are subject to the public interest test. Examples include:</p> <ul style="list-style-type: none"> <li>• Personal information;</li> <li>• material which is still in the course of completion;</li> <li>• internal communications;</li> <li>• public safety;</li> <li>• the course of justice,</li> <li>• commercial confidentiality</li> <li>• Volunteered information</li> <li>• Protection of the environment</li> </ul> <p>A further detail on what is an exception or exemption is covered in the Access to Information procedures.</p>
<b>Information</b>	The legislation covers all recorded information held by Natural England in whatever format, irrespective of age, ownership or status. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. It is not limited to information we create, so it also covers, for example, letters you receive from members of the public or documents from other public or private sector organisations.

	<p>The legislation does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information (this doesn't include search databases) or ask another organisation for it.</p>
<b>Personal Data</b>	Information about a living individual.
<b>Publication Scheme</b>	<p>Schemes are designed to act as 'route maps' to assist people to find key information which is routinely published by public authorities. It focuses on information relating to our key executive, advisory and promotional duties and also on the standards and guidance by which we make decisions. It describes the classes of information which we publish, providing appropriate examples of individual documents, and details the formats in which publications are available and whether any charges apply.</p> <p>Information that is included in our <a href="#">publication scheme</a> is exempt from Access to Information requests, as it is accessible by other means.</p>
<b>Public Interest Test</b>	<p>The public interest test means that information covered by certain exemptions/exceptions must still be released unless it can be demonstrated that the public interest in withholding the information outweighs the public interest in disclosing it.</p> <ol style="list-style-type: none"> <li>1. Examples factors in favour of <b>disclosure</b> can include: <ul style="list-style-type: none"> <li>• the information supplied voluntarily in support of an application for a regulatory benefit, including a licence, a permit or a grant and what impact on the application if it had not been supplied</li> <li>• individuals having access to information that helps them understand the reasons why actions were taken by public bodies that affect them and in individuals having the ability to challenge those decisions</li> <li>• promoting accountability and transparency by public bodies for decisions taken by them</li> <li>• promoting accountability and transparency in the spending of public money</li> </ul> </li> <li>2. Examples factors in favour of <b>withholding</b> can include: <ul style="list-style-type: none"> <li>• protecting an individual from malicious complaints and avoiding the waste of public resources investigating such complaints</li> <li>• in safeguarding the free flow of information to the public body, which it relies on in order to carry out its regulatory and statutory functions under legislation</li> <li>• in ensuring that people are not deterred from volunteering information if they are concerned that their identity could be revealed and that this would hinder the ability of the public body to deal with its regulatory and statutory functions</li> <li>• the potential for unnecessary external pressures (this is normally time limited)</li> </ul> </li> <li>3. Examples factors, which <b>should not be</b> taken into account, are: <ul style="list-style-type: none"> <li>• the public interest does not simply mean, that which interests the public</li> <li>• potential or actual embarrassment to government/organisation/employee or loss of confidence is not a valid factor in determining the public interest</li> <li>• risk of the information being misunderstood (eg because it is incomplete or may be overly technical) is not an argument against disclosure. It is recommended that if information could be possibly misunderstood then an explanation should be added to information to provide some context</li> </ul> </li> </ol> <p>Further information in the Access to Information <a href="#">procedures</a>.</p>



<b>Redaction (blinking out) of text</b>	Redaction (blinking out) of text is the separation of disclosable from non-disclosable information by blocking out individual words, sentences, paragraphs, and the removal of whole pages or sections before the release of the document. Redaction must always be carried out on a copy, leaving all the information contained in the original document intact.
<b>Sensitive information</b>	Sensitive information can be thought of as 'tricky issues'. Examples could be: <ul style="list-style-type: none"> <li>controversial road building schemes through or near SSSIs</li> <li>Owner/Occupiers with large compensatory management agreements with unfavourable condition etc</li> <li>information that may have been exchanged in confidence</li> <li>relating to high profile issues, whether current or historical</li> <li>release of ministerial advice/correspondence</li> <li>details of controversial works or licensed operations</li> </ul>
<b>Types of requests</b>	<p><b>Any request for information</b> held by Natural England - however mundane or routine - is covered by the legislation. To manage requests we split them into two types: <b>routine</b> and <b>complex</b>.</p> <p>A <b>routine</b> request is one that you would have answered in your normal course of business; business as usual or can be quickly answered in full in a couple of minutes. For example: over the telephone, by-return to an email or posting a leaflet, or access provision of NNR.</p> <p>The legislation is not intended to turn routine provision of information into a bureaucratic process. We do not want to spend time logging requests when the time spent logging is more than the time spent supplying the information.</p> <p>A <b>complex</b> request is defined as:</p> <ol style="list-style-type: none"> <li>1. Requests which fall outside your normal course of business.</li> <li>2. Requests for information where you might refuse e.g. sensitive, confidential information or a repeat request.</li> <li>3. Requests for information related to the policy making process.</li> <li>4. Requests on which it may be necessary to consult with others either within Natural England or outside.</li> <li>5. Requests for large amounts of information or information which may be difficult to locate.</li> <li>6. Requests which seem unclear or too general to deal with, and where you will need to seek clarification from the applicant.</li> <li>7. Requests for information where a search is made but none is found.</li> </ol> <p>It is important to create an audit trail for all <b>complex</b> requests by keeping a proper record and having it logged by the <a href="#">Access to Information Team</a>.</p>

<b>2.5 Details of training and support available</b>	
<b>Training</b>	Access to information electronic training course. Information Handling training.
<b>Policy and Procedures</b>	<a href="#">Access to Information pages</a> <a href="#">Data Protection pages</a>
<b>Support</b>	The Access to Information Team provides an advice service to ensure compliance with the statutory requirements of the Access to Information legislation. Please <a href="#">contact them</a> for advice and assistance – they are here to help you.

Annex 1: Roles and responsibilities	
Role	Responsible for:
<b>You</b>	All staff must comply with this standard when handling requests for information in a way that complies with this standard, and the related policies and procedures.
<b>Knowledge Adviser (KA)</b>	Knowledge Advisers are based in the SKI Team and have responsibilities for ensuring we are compliant with the Access to Information legislation as well as the Public Records Act and Information Security. They have an important role in overseeing and advising on information requests in the local business areas, and promoting good records management practices.
<b>Enquiry Service</b>	The <a href="#">Enquiry Service</a> is responsible for providing help and assistance to the general public and advising on where information may be held. They deal with all general enquires either directly or via Teams. They are also the supply point for free publications.
<b>Access to Information Team</b>	The Access to Information Team is responsible for the effective day-to-day management of compliance with the legislation. This includes: <ul style="list-style-type: none"> <li>• the development of policy, procedures and standards of good practice</li> <li>• their dissemination to staff through training and awareness raising</li> <li>• the maintenance and periodic review of the publication scheme; the co-ordination of responses to more difficult or complex information requests</li> <li>• the provision of advice and assistance on Access to Information legislation issues</li> <li>• securing proactive information releases to drive a culture of openness</li> </ul>
<b>Managers and Leaders</b>	Managers/Leaders are responsible for ensuring that procedures and systems within their team conform to this standard and to Natural England's procedures and standards of good practice. <p>You should ensure your staff:</p> <ul style="list-style-type: none"> <li>• are aware of the law, standards and guidance available on accessibility issues</li> <li>• follow the <a href="#">Records Management Standard</a> to facilitate retrieval of information</li> <li>• regularly update and manage material for the Publications Scheme and websites</li> <li>• produce internal documents in a content and style that is suitable for disclosure</li> <li>• deal with requests for information fairly and promptly</li> <li>• record requests for and decisions on release of information</li> <li>• make the appropriate decision not to release information and communicate this clearly</li> <li>• impartially review complaints about refusal to release information</li> </ul>
<b>Information Champion</b>	The Information Champion is the Executive Director, Customers



	and Land Management who is the senior officer with overall responsibility for this policy and standard in Natural England. They have strategic responsibility within Natural England for Access to Information.
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**Quick reference****Type of Standard** Operational Standard**Purpose:** Sets out the principles on how Natural England complies with the Access to Information legislation when responding to requests for information.**Owner(s):** Access to Information Team, Customer Service Team, Customers and Land Management Function**Sign-off:** Rob Aubrook, Director of Standards  
Peter Nottage, Director for Customer Services**Publication:** Publication catalogue – external version**Review date:** April 2014**Issue Number** Final V1.0

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**Document Amendment Record**

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