

Requesting environmental information with learners

Everyone has the right to request information held by publicly funded organisations. This guidance outlines the process for requesting information with learners in the context of the National Education Nature Park. The guidance has been developed in collaboration with the Information Commissioner's Office (ICO).

What are the rights?

The general right to ask for information is provided by the Freedom of Information Act (FOIA). Some further rights, which allow you to access environmental information, are provided by the Environmental Information Regulations (EIR).

How could these rights be used by students?

FOIA and EIR are intended to increase transparency in public life and to help everyone be actively involved in our democratic system. In the context of the National Education Nature Park, young people may wish to find out more about their immediate environment. They could do this by asking about:

- air quality
- emissions
- trees
- parks
- local issues, which might affect your school or college grounds, like planned housing developments
- the history of school or college grounds, if you don't already have access to that information

Local government organisations are probably a good starting point for these questions.

The Local Government Association has a useful guide on local government structure:

[How is local government organised? | Local Government Association](#)

And the following gov.uk resources are helpful:

[Understand how your council works: Types of council - GOV.UK \(www.gov.uk\)](#)

[Find your local council - GOV.UK \(www.gov.uk\)](#)

As well as public authorities in your local area, you can also ask for information from national bodies like Department for Environment Food and Rural Affairs (DEFRA) or the Environment Agency. The following resource gives an overview of national bodies:

[Departments, agencies and public bodies - GOV.UK \(www.gov.uk\)](#)

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You can also make information requests to other publicly funded bodies like police forces and health bodies.

Who can you ask?

If you're not sure whether an organisation is "subject to" FOIA and/or EIR, the easiest thing to do is to internet search the organisation's name + "FOI". This will likely bring up a dedicated FOI page on their website.

When you've worked out what you want to know, it can be hard to know who to ask. Public authorities have a duty to provide advice and assistance to people who are trying to make an information request. This includes signposting you to other organisations if they are likely to hold the information you're seeking. So go ahead and ask.

What could you do with the information?

Once you receive the information, there are several things you could do with it.

- Students might use it as the basis for a research project. They might share it with their peers in an assembly, poster, webpage or through social media content.
- FOI and EIR requests are often used by journalists. Students could write an article for their school or college newsletter.
- Students may consider speaking to their local MP if they would like to try and make something change. The following web page provides some useful guidance: [Who should I contact with my issue - MPs and Lords - UK Parliament](#)

Remember that knowledge is power; information obtained through EIR and FOI requests helps us contribute to our community and to the country as informed, engaged citizens.

How does it work?

FOIA and EIR only cover recorded information. You can't tell a public body to create information for you, or to answer general questions. You need to guess or work out what kinds of records they might hold which would meet your information needs. Organisations are required to provide you with advice and assistance, and to ask you to clarify your request if it's unclear.

Under FOIA, requests must be made in writing unless you have additional needs. Then the public body should accept your request verbally. Under EIR requests can be made verbally. The ICO suggests that wherever possible you make your request in writing. That way it's easier to make it clear what you want, and easier to complain to the ICO later if you're unhappy with the response.

You need to provide a full name and an address so the public body can respond to you (it can be an email address). People can make requests on behalf of organisations.

Many organisations have a request form on their website. Alternatively, try and find the FOI team's email address on the website. However your request arrives with the organisation, they should recognise it as a formal information request and respond appropriately. It's sensible to label your request as an "FOI request" to make it obvious.

There's also a website which you can use to make requests - [WhatDoTheyKnow.com](#) (WDTK). The website will host the request you make, and any responses received, so anyone in the world can read it. WDTK can give you a sense of the variety of organisations from which you can

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request information and show you how other people have written successful requests which have led to disclosures of useful information.

Top tips for making requests:

Search first. Organisations publish a great deal of information. You may find what you're looking for online. Check to see if they have a "disclosure log" of responses issued; someone might have already asked your question and received an answer.

Keep it clear. Make your request as simple and straightforward as possible. Numbered lists or bullet-points might help structure your request.

Read it twice. Before you send a request, take another look to make sure it's clear and easy to follow. If you're unsure, seek a second opinion from someone you know. If the public authority must ask you to clarify your request, it will take longer to receive the information you want.

How should they respond?

In most situations, if you make a formal information request to a publicly funded organisation they should respond within 20 working days. There are some instances where it takes longer. If they need to extend, they should let you know within 20 working days.

They should respond in writing. They'll confirm if they hold the information you've requested and provide a copy of it (unless there's a good reason for them not to).

When information is very sensitive, or there would be some kind of harm caused by disclosure, organisations can refuse the request entirely or withhold some of the information that has been requested. They can only do this in specific situations described in the legislation, in special sections called either "exemptions" (FOIA) or "exceptions" (EIR).

Here are some reasons why they might withhold information:

- disclosing it would impact the commercial interests of another body
- disclosing it would reveal private information about individual people to the public
- they're planning to publish the information soon, so disclosing it would not be an efficient use of their time

There are other exemptions and exceptions for very specific situations, like:

- disclosure would have an impact on national security
- disclosure would prejudice an ongoing criminal investigation

Laid out in the legislation are further reasons which organisations might rely on to withhold information. The key thing is that they should explain why they can't give you the information.

If they are going to withhold information from you or refuse your request entirely because it would take them too long to find the information you've requested (they can only do this if it would take them 18+ hours) they should explain why this is the case. They should also give you advice about making a request which they would be able to answer.

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What if you're not happy with their response?

If you're not happy with their response, ask them for an "internal review". This means asking that someone else at the organisation looks to check they got it right. If you're unhappy with the internal review, you can [complain to the ICO](#).

Does it cost anything?

Usually, it's free to make an information request. Occasionally, if you make a request for environmental information, the organisation might charge a fee for the time it takes to find the information. They should have a published register of fees they can direct you to, and the fee should be reasonable. For example, they may need to cover the cost of the paper for photocopying or printing, or the cost of postage. It would not be reasonable to charge for information that would not cost anything to send, like an email attachment.

It's important to respect that publicly funded organisations have limited resources. Remember that public money is also being spent responding to information requests; people shouldn't make frivolous or pointless requests, and organisations are allowed to refuse requests which appear to be so. The laws call this "vexatious" or "manifestly unreasonable" requests.

Background detail

The Labour government under Tony Blair passed the FOIA in 2000 – it came into full effect in 2005. The act requires publicly funded organisations to provide information when you ask for it. This is called "disclosing" information. Our taxes pay for these organisations, and their activities have a big impact on our lives, so it's only fair that we can get a better understanding of how and why they do what they do.

In 2004, the FOIA was joined by another law called the Environmental Information Regulations (EIR). The EIR only covers environmental information – but the definition of "environmental" can be quite broad. EIR goes slightly further than FOIA in terms of the organisations covered by the rules, and the expectations it puts on organisations to disclose information. FOIA and EIR apply in England, Wales and Northern Ireland. Scotland has its own equivalent laws.

In England, Wales and Northern Ireland, the [Information Commissioner's Office \(ICO\)](#) is the organisation tasked with making sure that organisations do what these laws say. The ICO is what's called a "regulator." They provide advice to organisations and members of the public around their information rights, and handle complaints when things go wrong. They are also the regulator for data protection. This is a set of rules that set out how all organisations, publicly funded or privately funded, handle personal data about specific individuals.

The ICO deals with a lot of FOI/EIR complaints from individuals who think that their information requests have been answered incorrectly, or refused when they shouldn't have been – more than 8,000 in 2023/24. The ICO have a lot of guidance on their website for organisations, and [for the public](#).

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