

Subject: EIR (o7) 01 Request for internal review
From: Nick Hildyard
Date: Thu, 07 Jun 2007 11:30:36 +0100
To: Information Access, sent by email

Information Officer,
ECGD
P.O.Box 2200
2 Exchange Tower
London E14 9GS

Dear Mr Gallagher

EIR(07)01

This is a request for an internal review of the decision not to provide me with the case impact screening assessments for four applications as set out in your letter of 14 May 2007.

Our view is that the ECGD is not entitled to refuse to release the information for the reasons that you have given and we make the following brief points though we reserve the right to raise other points before the Information Commissioner.

1. We do not accept that handling of our requests would take the time that you suggest (but have not stated) or have the effect that you claim. Please set out clearly the amount of time that you estimate is likely to be involved in handling a request for each assessment/checklist. Please would you provide us with any assessment that you have already carried out in considering our request or any of the other requests to which you refer (you should treat this as a fresh FOIA request). Please would you clearly breakdown your time estimate by reference to each activity covered including by reference to the matters set out in Reg. 4(3) of the Fees Regulations. (I am aware that you are not relying directly on the Fees Regulations but it appears that you are applying them by analogy in an EIR context).

2. It appears that ECGD have received a number of requests for case impact analyses/checklists. It is our view that these are documents that ECGD should be making available on-line (perhaps in redacted form) and that these type of documents fall clearly within your obligation of proactive dissemination (Reg. 4(1)) at least in respect of information obtained after 1 January 2005. Please would you explain whether you are doing so and if not why not.

3. It is our view that the exemption 'manifestly unreasonable' must be interpreted very narrowly having regard to the very strong public interest (a) in availability of environmental information generally; and (b) availability of this particular information. That this is the case is supported by the guidance given in this regard in respect of the Aarhus convention.

4. Notwithstanding the above, and in line with your suggestion, we would like to

submit a new request for the case impact assessments and questionnaires for the following two projects:

- Shin Wolsuing Power Station (Doosan Engine Co. -- Alstom Power);
- VAI industries - No 3 Single Strand Slab Casters, Jindal Vijayanagar, Steel Ltd, India

Yours sincerely

Nicholas Hildyard