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Access to Environmental Information

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Publication date:
2016

Licence:
Unspecified

Document Version
Publisher's PDF, also known as Version of record

[Link to publication in Discovery Research Portal](#)

Citation for published version (APA):
Reid, C., & Mendel, J. (2016). *Access to Environmental Information: Use and Impact*. Society of Legal Scholars Annual Conference 2016, Oxford, United Kingdom.

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Use and Impact of Access to Environmental Information

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Context

- Work towards a grant application
- Joint with Dr. Jonathan Mendel (Geography)
- Case-study of Scotland
- Support from key players
 - Scottish Information Commissioner
 - SNH
 - SEPA

Background

- EU rules on access to environmental information since 1990
 - Pre-dates wider Freedom of Information in UK
 - Still separate regime with some substantive differences
 - If environmental info is involved, must use Environmental Information Regulations
 - Often not recognised and treated as such
- Aarhus Convention obligation



Implementation

- Environmental Information (Scotland) Regulations 2004
- Public registers embedded in regulatory regimes
- Data routinely published by public bodies

Stated objectives

- Greater openness and transparency of government
- Improved accountability
- Enhanced public trust
- Greater public participation
- Improved environmental protection
- Deliberative democracy

Research gap – is it making a difference?

- What information is being sought?
- By whom?
- How is it being used?
- Is it making a difference in terms of processes, participation, accountability?

Previous Research - Fol

- Not heavily used by key NGOs
 - Other ways of getting info
 - Not rock the boat as formal request seen as aggressive

Previous research – FoI (2)

(Hazell, Worthy & Glover: 2010)

■ Failure

- Better decision-making
- Better public understanding
- Increased public participation
- Increased trust in government

■ Success

- More transparent
- More accountable
- Encourage efficiency
- Check on honesty

Previous research - EIRs

- Users: businesses looking for sales, students
- Not easy for public to use raw data
 - cf need for non-technical summary in EIA procedures

Sources – individual requests

- Appeals to Commissioner
- Commissioner's database
 - <https://stats.itspublicknowledge.info/>
 - authorities, outcome, basis of decision
- Data and analyses from SNH and SEPA
- WhatDoTheyKnow website
 - means of sharing requests and responses

Sources - accessing published information

- Harder to quantify
- Data and analyses from SNH and SEPA
- Survey of website users
 - assistance from SNH & SEPA in distribution
- Interviews
 - Information users
 - Information holders

Sources – use and impact

- Survey and interviews
- What difference did the access to the info make?
- For requesters: what did you do with it?
- For holders: has experience changed what is published?
- For decision-makers: how has the info been deployed?

First impressions

- Not heavily used by the big NGOs groups
- Some campaigning use
 - Global Alliance against Industrial Aquaculture (seals at fish farms)
- Some very personal
 - former employees, neighbours
- Several on use of public funds
- Wide requests to all public bodies

Topics of requests

- IT facilities and security
- Procurement of contractors
- Closure/relocation of offices
- Grants to various bodies
- Costs of training
- Seeking identity of complainers
(refused)
- Expressly said to be for student course-work
(journalism, geography)

Topics of requests (2) - SNH

- Requests related to
 - deer cull in Aberdeen
 - trapping beavers in River Tay
 - basking sharks in area of proposed windfarm
 - removal of hedgehogs from the Uists
 - scientific case for designating SACs
- Many requests involving one office
 - costs, use of internet pornography

Topics of requests (3) - SEPA

- Specific pollution incidents
- Several about Dalgety Bay radioactive contamination
- Radiation monitoring post-Fukushima
- Safety at major refinery
- Use of animals in research
- Incinerators and infant death rates

Topics of requests (4)

– Scottish Water

- Fluoride in water (repeatedly)
- Uranium or bromine added to water
- Costs of legal actions
- Dog mess in sewerage system
- *Cryptosporidium* oocysts and heavy metals in different areas
- Maintenance of hydrants in specific street
- Supply failures in specific locations
- Number of diesel vehicles mis-fuelled

Does access to environmental information make a difference?

- Undoubtedly costs in responding to requests
- Some people become better informed
- Some requests tie in to areas of wide concern; others very personal
- Clearly need to investigate more deeply to be able to reach any conclusion