

From: "Robert Latimer"
To: "aarhus compliance" <aarhus.compliance@unece.org>
Date: 28/04/2017 09:24
Subject: RE: Response from the ICO[Ref. RCC0673313]

Aarhus Compliance Committee

Re: ACCC/C V/9n

Although I only received this response yesterday I feel it is important that I add it to my correspondence to go before Compliance Committee.

It is interesting to see that the writer of this response is from the Group Manager responsible for information requests regarding DEFRA. I mention this because it must be extremely unusual for the Aarhus Convention to actually be directly involved in a request for information that was provided to the Aarhus Convention by DEFRA. What can it mean *"I am of the view the case has been handled reasonably"*?

Considering the content of the email below it is only right that I again direct the Compliance Committee to what Mr Azam of DEFRA told the Secretary of the Aarhus Convention Compliance Committee in a letter dated 12 December 2014: -

"Mr Latimer appears to maintain the position that a range of multiples of dry weather flow, such as those he quotes in his email, within the Whitburn system is incompatible with DEFRA's statement that the overall performance of the system is 4.5XDWF rather than 6XDWF. This is not the case and DEFRA has continued to try and explain this to Mr Latimer. DEFRA has no reason to doubt the validity of the evidence used to support the case or of any future calculations used to support measures to remedy the breach in the CJEU judgement of 18 October 2012"

Mr Azam is correct when he suggests DEFRA have tried to explain but their explanation does not stand up to scrutiny and they do not want to supply the information that shows this. DEFRA's problem is they have supplied to the EJEU evidence that was untrue and had to follow this up by doing the same to the Aarhus Convention Committee.

Why the information held by DEFRA is so important is that the support measures put in place to remedy the breach in the CJEU of 18 October 2012 are seriously flawed, because, like the Aarhus Convention, the information that went before the CJEU was untrue but it was accepted.

Regards

Bob Latimer

From: casework@ico.org.uk [mailto:casework@ico.org.uk]
Sent: 27 April 2017 08:32
To: robert@latimers.com
Subject: Response from the ICO[Ref. RCC0673313]

27th April 2017

Case Reference Number RCC0673313

Dear Mr Latimer,

My name is Jack Harvey, I am the Group Manager responsible for information requests regarding DEFRA, as such your complaint has been sent to me for consideration. I apologise for the delay in providing you with a response.

I have considered your emails dated 28th February 2017 and 19th March 2017. You have explained that you would like to make a formal complaint which will consider the way we have handled your complaints. You have also asked that we withdraw all ICO decision notices related to your cases. Although you have stated you wish to complain about "maladministration", the rest of your correspondence challenges the evidence that we have used to make decisions and that we have submitted to the tribunal dating back to 2013. I can find no evidence of maladministration and no other specific complaints about how the case has been handled, that is, instead of the evidence that we have used or the decision we have reached.

I appreciate that you are disappointed with the outcome you have received on your most recent case and other more historic cases, but I am of the view the case has been handled reasonably, I am therefore not upholding

your complaint. Additionally I will not be reviewing every case you have submitted to the ICO or withdrawing any decision notices. I understand from your recent correspondence that you are familiar with the action you can take if you wish to challenge a decision notice, something Mrs Coward has also reminded you of.

Please take this as our final response in relation to this matter, any further correspondence received regarding the same issue may be placed on file and not responded to.

Yours sincerely,

Jack Harvey
Group Manager

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