

Freedom of Information Request

Reference Number: EPUT.FOI.19.1033
Date Received: 3rd April 2019

Information Requested:

1. I would like to request the energy and water consumption figures of the Crystal Centre. The Trust can confirm that requests relating to environmental information are to be responded to under the Environmental Information Regulations 2004 (EIR) rather than the Freedom of Information Act 2000 (FOI). Public authorities that are subject to the EIR must consider disclosure of environmental information under the EIR, rather than under FOI.

Guidance as to what constitutes environmental information is as follows:

“Environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on—

- a. the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements*
- b. factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a)*
- c. measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements*
- d. reports on the implementation of environmental legislation*
- e. cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c)*
- f. the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);*

Under the Environmental Information Regulations 2004 the Trust can confirm that it is unable to provide an accurate response because The Crystal Centre is not separately metered to the rest of the Linden Centre.

2. I would also like to request the plans and section drawings (all architectural drawings if possible) of the above building.

It is the Trusts views that disclosure of the floor plans could potentially prejudice and undermine the security procedures designed to ensure patient safety of the secure wards at the Crystal Centre. The Trust has a duty to ensure patients are held in safe and secure conditions.

The Trust is therefore applying Section 38 (Health and Safety) of the Freedom of Information Act.

In addition the Trust does not hold the Architectural drawings of the Crystal Centre. May we respectfully suggest you re-direct your query to Broomfield Hospital who may hold the drawings.

Applied Exemption:

Section 38 (Health and Safety):

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to—
 - (a) Endanger the physical or mental health of any individual, or
 - (b) Endanger the safety of any individual.
- (2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).