

FOI DECISION NOTICE

**Scheduled Public Authority:
Infrastructure & Environment**

Date: 31 July 2026

Appeals are handled by the Information Commissioner under Art.46 of the Freedom of Information (Jersey) Law 2011

THE REQUEST



- The Complainant asked Infrastructure & Environment (the SPA) for:
 - all email and other correspondence from January 2026 up to the request date between planning officials, government departments, the planning applicant, and another individual about a specified property and related planning application.
- The request also included pre-application advice and any communications connected to that planning application.

THE SPA'S RESPONSE



- The SPA did not process the request as a formal FOI request under the Freedom of Information (Jersey) Law 2011, Instead:
- The Central Information Governance Unit informed the complainant that the request would be handled as BAU and required permission to share personal details with the SPA.
- The SPA acknowledged the request as BAU on 21 April 2026 and aimed to respond by 7 May 2026, which it did.
- The SPA claimed the complainant agreed to BAU handling and cited Article 11 of the FOI Law and JOIC guidance as justification.

THE DECISION



The Commissioner's decision is that the appeal is:

FULLY UPHELD

- The Commissioner found that the request met all criteria for a valid FOI request under the law and the SPA was not entitled to remove a valid FOI request from the statutory FOI process and handle it solely as BAU.
- The complainant did not agree to forgo their statutory FOI rights; they repeatedly questioned the BAU handling and referenced the FOI law and deadlines.
- The SPA breached Article 13(1) by not responding within 20 working days and failed to comply with the requirements of Part 1 of the FOI Law.
- However, since all requested information was ultimately provided to the complainant via the BAU process, no further action was required from the SPA regarding disclosure.