

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA081020-6579

30 October 2020

Dear [REDACTED]

Thank you for your request for information which the Greater London Authority (GLA) received on 8 October 2020. Your request has been dealt with under the Environmental Information Regulations (EIR) 2020.

You asked for:

On Saturday (October 3), the Mayor published a report on air quality improvements in London, 'Air Quality in London 2016-2020, London Environment Strategy: Air Quality Impact Evaluation'. Table 13 of the report is titled 'Education establishments in locations exceeding the legal limit for NO2', and identifies 34 education establishments in the capital that exceeded the legal limit in 2019.

Please provide:

- 1. The name of each of these 34 education establishments identified in the report.*
- 2. A breakdown of the above (Question 1) indicating which are:
a. Primary schools b. Secondary schools c. 16 plus d. Higher education institutions
e. Other independent schools f. Other*
- 3. The yearly average level of NO2 per cubic metre at each education establishment's location in 2019 (the term "location" used here is a reference to the title of Table 13 in the report, as referenced above. I would expect you to understand it in the same way as the report does).*
- 4. The number of hourly average spikes above 200 micrograms of NO2 per cubic metre at each education establishment's location in 2019 (the term "location" used here is a reference to the title of Table 13 in the report, as referenced above. I would expect you to understand it in the same way as the report does).*

Our response to your request is as follows:

We have decided that at this time, the information covered by parts 1 – 3 of your request is exempt from disclosure under the exception provisions found under Regulation 12(4)(d) of the EIR. Regulation 12(4)(d) is engaged when the request relates to material that is still in the course of completion, unfinished documents or incomplete data. If the information in question falls into one of these categories, then the exception is engaged.

This provision has been applied to withhold material in the course of completion. Guidance¹ published by the Information Commissioner clarifies:

¹ https://ico.org.uk/media/for-organisations/documents/1637/eir_material_in_the_course_of_completion.pdf

“The fact that the exception refers to both material in the course of completion and unfinished documents implies that these terms are not necessarily synonymous. While a particular document may itself be finished, it may be part of material which is still in the course of completion.”

This same guidance also clarifies that material which is still in the course of completion can include information created as part of the process of formulating and developing a policy, decision or recommendation. In this instance it is necessary that officers should have the necessary space to undertake work relating to the publication of this information. The information you are seeking under parts 1-3 of your request is scheduled for publication next month.

Regulation 12(4)(d) constitutes a qualified exemption from our duty to disclose information under the EIR, and consideration must be given as to whether the public interest favouring disclosure of the information covered by this exemption outweighs the public interest considerations favouring maintaining the exemption and withholding the information.

It is however necessary to consider whether the public interest in maintaining the exemption (and withholding the information until the publication date), is greater than the public interest in releasing the information before this date. The timing of the request is significant in that the GLA is working to a planned timetable of publishing this information soon. Officers are required to continue with planned work in putting the disclosure into context.

The public interest - i.e. the best interests of the public - is met by the GLA being open and transparent, but also by managing its resources effectively, and this includes setting reasonable publication schedules to meet this public interest. We therefore find the balance of public interest falls in maintaining the exemption and the GLA

Please note that the GLA does not hold the information in relation to part 4 of your request. However, all “number of hourly average spikes above 200 micrograms of NO₂ per cubic metre” for locations where there are monitoring sites is publicly available:

- <http://www.londonair.org.uk/LondonAir/Default.aspx>
- https://www.airqualityengland.co.uk/local-authority/?la_id=999

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely


Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA’s FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>