

# 'Secrecy' Clause for Britain's New Environment Watchdog

Proposals for the new Office for Environmental Protection may undermine right to access information under the Environmental Information Regulations after Brexit.

By [Catherine Early](#)

Global Research, May 21, 2019

[The Ecologist](#) 20 May 2019

Region: [Europe](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

*The public will have no right to information about issues which the new environmental watchdog, a public authority or a minister does not wish to disclose, according to the Campaign for Freedom of Information.*

The watchdog is being set up under the [draft Environment \(Principles and Governance\) Bill](#) in order to replace the oversight of the European Commission once the UK leaves the EU.

It will be able to investigate complaints alleging a serious failure by a public authority, and set out the measures it expects to be taken to correct this. If these are not complied with, it will be able to take legal action against the authority.

## Aarhus

However, [campaigners claim](#) that under clause 28 of the bill, the public will have no right to information about investigations.

The clause states both that the OEP cannot disclose information it has obtained from an authority under investigation if the authority does not want it to, and that a public authority would be prohibited from disclosing correspondence relating to an investigation without the OEP's consent.

Campaigners fear that this clause will override the right of access that would apply under the Environmental Information Regulations (EIR), through which the UK complies with the international Aarhus Convention governing rights of access to information on environmental matters.

## Infraction

Campaigners argue that:

"This would be a major reversal of the progress made over more than 25 years in opening up environmental information – and a huge backward step for our right to know."

A spokeswoman for the environment department (DEFRA) said that the government was

committed to compliance with the Aarhus Convention, but information about the enforcement activity of the OEP needed to have an “appropriate degree” of protection to avoid prejudicing possible legal proceedings.

This was similar to arrangements in the EU where particular documents from the European Commission are not published while infraction cases are live, she added.

\*

Note to readers: please click the share buttons below. Forward this article to your email lists. Crosspost on your blog site, internet forums. etc.

**Catherine Early** is a freelance environmental journalist and chief reporter for the Ecologist. She can be found tweeting at [@Cat\\_Early76](https://twitter.com/Cat_Early76).

Featured image is from The Ecologist

The original source of this article is [The Ecologist](#)  
Copyright © [Catherine Early](#), [The Ecologist](#), 2019

---

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Catherine Early](#)

**Disclaimer:** The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)  
[www.globalresearch.ca](http://www.globalresearch.ca) contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)