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Mayor of London  
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Your Ref:  
MGLA140512-1799

Our Ref: CAL0018

By e-mail and post: mayor@london.gov.uk

24th July 2012

Dear Sir

We Act for Clean Air in London (CAL).

This is a request for you to review your refusal dated 3<sup>rd</sup> of July 2012 to provide important information requested by CAL on the 13<sup>th</sup> of May 2012.

The request was for information held by the Greater London Authority (GLA) or the GLA group relating to Simon Birkett's request on behalf of CAL "to know what the Mayor of London and the GLA is doing to influence directly or indirectly the future shape of the revised Air Quality Directive and produced since June 2010."

Examples given were:

- Correspondence about the aims of the initiatives
- Minutes of meetings
- Emails
- Impact or other assessments that might justify (or otherwise) the Mayor's stance on this issue

In asking for this review it may assist if we set out the context which will highlight why it is clearly in the public interest for this information to be disclosed.

Air quality in London is poor, known to be poor, and a serious public health problem. For example, you yourself have estimated 4,267 deaths in London in 2008 attributable to long-term exposure to dangerous airborne particles. A recent report by Policy Exchange, entitled 'Something in the Air: The forgotten crisis of Britain's poor air quality', estimated in the worst 10% of London for nitrogen dioxide (NO<sub>2</sub>), 5-10 year old children are 47% more likely than the London average to be eligible for free school meals and residents are 26% more likely than the London average to be on income support. Policy Exchange also estimated that more than 320,000 children (including more than 180,000 under the

age of 11) in London attend 1,098 schools within 150 metres of roads carrying, on average, more than 10,000 vehicles per day.

The main constraint on pollution and the engine for improvement in air quality emanates from European Directives and action by the European Commission, which is considering taking enforcement proceedings against the UK in respect of air pollution in London.

It is believed that the Mayor and/or the GLA are engaged in a lobbying campaign together with other European areas to weaken the European requirements for an improvement in air quality.

If this is right, then it is clearly a matter of the greatest public interest. Not only does it relate to dangerous emissions to the environment but also it strikes at the heart of the democratic role of the Mayor and of London Governance.

We turn to the exceptions you claim exist to exempt you from the obligation to disclose the information.

You claim that the exemption under 12(5)(a) applies; i.e. that release of the information would adversely affect international relations. We ask you to reconsider your claim that this exception applies to the Mayor of London or the GLA. We would refer you to the most recent guidance issued by the ICO (11<sup>th</sup> July 2012).

"Regulation 12(5)(a) provides an exception to disclosing requested information if it would *adversely affect international relations*... (Our emphasis)..... 'International relations' means "relations between governments or international bodies such as NATO, the EU, or the United Nations, or an international Court."


We cannot see how this exemption can possibly apply to the Mayor of London and his alliances aimed to influence and shape the development of European law. This is a lobbying group, the activities of which do not need to be protected in the interests of international relations. On the other hand, the participation of the Mayor and/or the GLA in this lobbying group, and the purpose of this initiative, is of utmost public importance and interest to Londoners.

As far the exceptions claimed in relation to 14(4)e (internal communications) is concerned, then this cannot apply to correspondence and notes of meetings with other bodies - see for example ICO decision notice FER0272686, in which the ICO found that the Mayor of London and a central government department were separate public authorities and therefore the exemptions did not apply to communications between them. It is equally clear that the Mayor of London and the GLA are separate from other members of AIR.

We therefore ask for a full review, for the disapplication of exemptions where appropriate and for a proper application of public interest considerations weighed against any valid ground for exemption which might remain.

In any event, we urge you again to provide CAL and/or us with all the information originally requested on 13<sup>th</sup> of May.

Yours faithfully

Harrison Grant 

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