

**Authority:**  
Information Commissioner

**Country/State:**  
United Kingdom

**Case title:**

Proactive Disclosure and Practice Recommendation on Water Companies' Environmental Information

**Official citation:**

Practice Recommendation, 2024

**Date of decision:**

2024

**Relevant law:**

Environmental Information Regulations (EIR) – presumption in favour of disclosure, course of justice exception

**Decision:**

The Information Commissioner issued a formal practice recommendation to United Utilities and shared it with all water companies in England, Wales, and Northern Ireland, following consistent failures to disclose environmental information on water quality and sewage discharge times. The recommendation outlined measures for proactive disclosure, improved staff training, and enhanced publication of performance statistics. By February 2025, all water companies had either implemented or committed to implementing the Commissioner's recommendations.

**Key words:**

Right to Information, Environmental Information Regulations (EIR), proactive disclosure, water quality, practice recommendation, transparency, regulatory compliance

**Case Summary**

**1. Facts**

In 2024, complaints increased about water companies failing to disclose information concerning water quality, particularly raw data on sewage discharges. A tribunal judgement clarified that the course of justice exception under the EIR does not automatically block disclosure when information is directly relevant to an official inquiry. The EIR's presumption in favour of disclosure of environmental information was emphasised.

Following review of complaints and the tribunal's judgement, the Information Commissioner:

- Ordered six water companies to disclose start and stop times of sewage discharges (May 2024), and
- Wrote to all water companies in England, Wales, and Northern Ireland, calling for improvements in performance and proactive publication of sewage discharge times (July 2024).

## **2. Decision**

In October 2024, the Commissioner issued the first EIR practice recommendation to United Utilities, detailing measures to improve transparency and information handling. The recommendation was shared with all 11 other water companies.

Key outcomes by February 2025 included:

- All water companies committed to publish sewage discharge times monthly or had begun doing so;
- Adoption of an 'open by default' culture to inform proactive disclosure;
- Enhanced staff training, including real-life examples and sector-wide consistency via WaterUK;
- Integration of explicit EIR reference in company Codes of Conduct;
- Nine companies committed to publishing more performance statistics, and seven established new disclosure logs.

### **Note (Optional):**

This case illustrates the Information Commissioner's use of proactive regulatory powers to ensure compliance with EIR, promoting transparency and accountability in environmental information disclosure and fostering sector-wide improvement.

### **Resource:**

First EIR practice recommendation to United Utilities (UK Information Commissioner) [first EIR practice recommendation to United Utilities](#)