

Part 1 - Clause 13 Co-operation and arrangements, and Clause 14 Power to request information

Issue

In the review of the floods of 2007 Sir Michael Pitt, amongst others, recognised that better arrangements needed to be made to enable sharing of information between relevant authorities to allow better planning for and response to events. Frequently barriers were put between parties (both legislative and commercial) that prevented or restricted the sharing of information that would be of use. The clauses in the Bill allow the EA and local authorities as leads in flood risk management to request information from relevant authorities.

Pitt Recommendation 17: All relevant organisations should have a duty to share information and cooperate with local authorities and the Environment Agency to facilitate the management of flood risk.

Water UK's view

Water UK supports the proposed duty on water companies to co-operate and share information with local authorities and the EA.

However:

- there are questions over what information is to be shared and the potential costs of responding to requests;
- data security needs to be fully taken into account for information that may have commercial or national or local security implications;
- provisions for penalties and sanctions have been introduced into the final bill;
- consideration should be given to how the data would be used by those parties requesting the information. Informed interpretation may well be required.

Additional comment:

Stipulation of data format:

Clause 14 gives power to the EA and local authorities respectively to request data in from any of the “risk management authorities” within a specified period. This may well be unachievable or put an additional burden of cost on the party from which the data is being requested. However the final bill puts in provisions for sanctions in the form of penalties (Clause 15) that can be imposed in the event of the required information not being provided.

Mutually agreed protocols:

Water UK and the EA have developed a mutually agreed protocol to share information specifically pertaining to the production of surface water management plans. Such local or specific agreements are seen as essential. Water UK and the EA are to progress this protocol forward with local authorities.

Proper use of data:

The wording of the Bill puts the focus on EA and Local Authorities requesting information from other the listed authorities. Focus on developing partnership working will be more beneficial. If the final use of data is understood then any party providing it can ensure that the data is fit for that purpose and that the data provided are used in the proper context. This will help avoid misinterpretation of data at a later stage.

Data security covered in the draft Bill not covered in the final Bill:

Clause 28 Information: Supplementary provides for an exception to be made to section 206(3)(d) of the 1991 WIA to exempt data requested under the auspices of the Flood and Water Management Bill to be exempt from the restrictions of the disclosure of information outlined in 206(3)(d) of the WIA.

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Water UK represents all water and wastewater service suppliers at national and European level. The water industry has invested £85 billion since privatisation in 1989-90.