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STATUTORY INSTRUMENTS

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**2007 No. 3538**

The Environmental Permitting  
(England and Wales) Regulations 2007

PART 5

Public Registers

**Determination of confidentiality**

**51.**—(1) When making a determination required by regulation 50, the regulator must comply with this regulation.

(2) In making the determination, the regulator must—

- (a) take any reasons given in an objection notice into account;
- (b) apply a presumption in favour of including the information on the public register; and
- (c) determine to exclude the information from the public register if it considers that—
  - (i) the information is commercial or industrial information,
  - (ii) its confidentiality is provided by law to protect a legitimate economic interest, and
  - (iii) in all the circumstances, the public interest in maintaining the confidentiality of the information outweighs the public interest in including it on the register.

(3) But, to the extent that information relates to emissions the regulator must determine to include it on the public register.

(4) Nothing in this regulation authorises the exclusion from the public register of information contained in or otherwise held with other information excluded from the register unless the information is not reasonably capable of being separated for the purposes of inclusion on the register.