

## **Internal Review Request (received 23 June 2025) - Reference: DFI/2025-0205**

I wish to apply for an internal review regarding the outcome of our FOI request;

*'The number of objections submitted to the January 2025 'Experimental Traffic Control Scheme - Permitted Taxis in Bus Lanes, Belfast City Centre' consultation.'*

DfI Reference: DFI/2025-0205

We do not believe that the reason given (see below) by DfI for withholding the information is adequate;

DfI response:

*'The Department has not yet published its decision on the response to its proposal for an experimental traffic control scheme to allow Class A and Class C taxis to use certain bus lanes in Belfast city centre. As it is currently work in progress, it is being withheld under the exceptions provided by Reg. 12(4)(d): material in course of completion, unfinished documents or incomplete data, and Reg. 12(4)(e): internal communications.'*

Our rejection of this reasoning and our request for an internal review is based on the following:

- We are simply requesting for the number of objections made to the experimental traffic control scheme, not information about any work in progress based on the consultation.
- Making public the number of objections which were submitted to the scheme should make no material impact to any work going on regarding the consultation
- The traffic control scheme is currently in operation, and has been for over 6 months. The scheme was put in place without any public consultation and will continue indefinitely without public knowledge of the consultation results.
- Any planned future publication doesn't override the current public interest, especially if no clear date is set for the response. This is especially pertinent considering the scheme has been in place for more than 6 months already.
- Knowing how many objections were received allows ourselves and the public to assess the scale of concern or opposition.
- There is a strong public interest in immediate disclosure, especially if decisions are being made and as we have pointed out, already have been made.

## **Response (issued 20 August 2025)**

You wrote to me on 23 June 2025 requesting an internal review of the handling of your Environmental Information Regulations 2004 (EIR) request for information regarding the number of objections submitted as part of the January 2025 experimental traffic control consultation on Permitted Taxis in Bus Lanes, received in the Department on 13 May 2025. You had received a response to your request on 10 June 2025, from Mr. Stephen Hughes, under the reference DFI/2025-0205.

As Departmental Information Manager, my role in carrying out an 'Internal Review' following a complaint or 'appeal', is pursuant to the Secretary of State for Constitutional Affairs' Code of Practice [which now comes under the responsibility of the Secretary of State for the Department of Justice] on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000 and, by extension, the Environmental Information Regulations. Section 39 of the Code of Practice requires "a fair and thorough review of the handling issues and of decisions taken pursuant to the [Freedom of Information] Act, including decisions taken about where the public interest lies in respect of exempt information." Under the Environmental Information Regulations, this review of the handling of your request for information is a "reconsideration", a public authority obligation contained within Regulation 11 (Representations and Reconsideration). I have no role or locus with regards to any issues arising out of the substance of any information sought or the resolution of complaints, which may be the subject matter of the information.

I have examined the information relating to your request and completed my review. I can now inform you that, having reviewed the handling of your request, the Department did fulfil its obligation under the Environmental Information Regulations 2004. I would like to take this opportunity to explain my decision.

The Department withheld the information that you had requested, under the two exceptions provided by the Environmental Information Regulations that are most often used for circumstances where policy is under development. The exceptions in this case are Reg. 12(4)(d): material in the course of completion, unfinished documents or incomplete data and Reg. 12(4)(e): internal communications.

The two exceptions relied upon in this case work together, to allow a necessary safe space within which officials can freely and frankly exchange views without fear, removing the potential chilling effect on policy development of disclosure at an inappropriate stage. The consultation in which you were interested forms part of what, at this stage, remains an ongoing policy development process.

You were unhappy that the Department determined that, in this context, it was unable to make available the details of the number of objections received as part of the consultation. The Department's position was that the requested detail could not be made available at the time that your request was received. It may not have been sufficiently clear in the response, but it was the timing of your request that determined this response. The Department's intention would be that it would be acceptable to make the information available in the future, once the decision on the policy under development had been published.

I have been in discussion with relevant staff about the progress of the Department's work following the January 2025 consultation on the 'Experimental Traffic Control Scheme - Permitted Taxis in Bus Lanes, Belfast City Centre'. They have confirmed that the process of policy deliberation, the reason why they were obliged to withhold the detail you had sought under Reg. 12(4)(d) and Reg. 12(4)(e), is now almost complete.

The DfI Minister is currently in the process of determining what should be the final outcome. As would be expected, the responses received to the consultation formed a key part of the Department's deliberations in this case, and will thus impact the Ministerial decision.

While I appreciate that you believe that there should be no reason why the Department would not be able to disclose the number of objections received, I am satisfied that, in the context of an ongoing, and almost complete, policy development, it remains necessary to preserve the "safe space" allowing for free and frank discussions and deliberations within the Department. The Department will, once the Minister has made her determination with regard to the final submission, publish the information that you are requesting.

From my discussions with relevant staff I am informed that the expectation is that a decision will be made shortly and that we fully expect published information on the DfI website in the near future. I cannot at this time, however, provide you with an exact date when the information that you are requesting will be available.

I believe, therefore, that it remains appropriate, at this time to continue to withhold the requested information under the exceptions from the general public right of access to environmental information provided by Reg. 12(4)(d) and Reg. 12(4)(e) of EIR. I am satisfied that, given the importance of preserving the "safe space" required and the imminence of a decision being made, that the public interest favours withholding the information requested at this time. This is taking into account the presumption in favour of disclosure.

**N.B** . The Department has since published the Consideration of Representations Report for the Experimental Traffic Control Scheme Scheme - Permitted Taxis in Bus Lanes, Belfast City Centre, available at the following link: <https://www.infrastructure-ni.gov.uk/publications/experimental-traffic-control-scheme-taxis-bus-lanes-belfast-city-centre-2025>.