

Internal Review Request (received 04 July 2025) - Reference: DFI/2025-0271

I am writing to formally request an internal review of the Department's response to my Freedom of Information request, reference DFI/2025-0271, regarding the temporary arch erected on a public road in Hillsborough.

The Department's assertion that no information is held in relation to this structure is extremely concerning, especially given the serious public safety and legal implications involved. The arch was erected on a public road-an area under the Department's statutory authority-and my request sought fundamental documentation typically required by law or policy in such cases, including:

- Application and approval records
- Structural safety certification
- Traffic management arrangements
- Permissions for private individuals to control traffic
- Communication with the PSNI
- Any relevant insurance documentation

The complete absence of such records suggests either a significant breakdown in regulatory oversight or a failure to retain required documentation.

This structure would pose obvious risks to pedestrian and vehicular safety, particularly in the absence of:

- Formal risk assessments,
- Inspection reports by qualified engineers,
- Temporary traffic regulation orders or documented agreements with law enforcement.

Furthermore, the notion that no communication took place between the Department and the Orange Order or other responsible parties-for a structure installed on public infrastructure-is not credible.

I therefore request that the Department re-examines its records and systems and provides a thorough and transparent review. Should this internal review fail to address the above concerns meaningfully, I will have no option but to refer the matter to the Information Commissioner's Office for further investigation.

Response (issued 07 August 2025)

You wrote to me on 04 July 2025 requesting an internal review of the handling of your Environmental Information Regulations 2004 (EIR) request for information regarding a traditional arch erected in Royal Hillsborough on 16 June 2025, received in the Department on 17 June 2025. You had received a response to your request on 04 July 2025, from Simon Wells, Acting Divisional Roads Manager for Eastern Division, reference DFI/2025-0271.

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 not entirely fulfil its obligation under the Environmental Information Regulations 2004. I would like to take this opportunity to explain my decision.

Your request for information related to the erection of a specific traditional arch over the public road in Hillsborough. It was entirely reasonable to believe that the Department for Infrastructure, as the Northern Ireland road authority would hold information about this traditional arch.

As the [traditional arch application form](#) available on nidirect makes clear, the lawful erection of arches on the public road network is subject to Article 73 of The Roads (Northern Ireland) Order 1993. Those wishing to erect arches are required to apply to the Department, providing, in addition to outline drawings and mandatory deposit, evidence of both the structural integrity of any arch and that the structure is covered, for as long as it is in place, by adequate Third-Party Liability insurance.

This means that, where those seeking to erect a traditional arch have complied with the legal requirements, the Department should at least hold the information submitted with the application. In addition, if the Department had felt it necessary to consult with PSNI or local community or political representatives with regard to the erection of the arch, it would be expected to hold some records of this consultation.

The response provided explained that the Department did not hold the information that you had requested. While the Environmental Information Regulations 2004 established general public rights of access to environmental information, the legislation relates only to information that is held at the time that a request is received.

In this case, the Department did not hold the information that you had requested at the time of your request, so it was appropriate to inform you that that information was not held.

However, under EIR, public authorities have an obligation to provide advice and assistance to those making requests for information. In this case, it would have been very helpful if you had been informed of any reasons why information was not held. I regret that such explanation was not provided in the Department's original response.

I have been in contact with the staff from the local Section Office, and they have advised me of the following in relation to the traditional arch in question.

- At the time your request for information was received, the Department was not aware that the traditional arch had been erected in Royal Hillsborough. I would like to take this opportunity to thank you for bringing this matter to our attention.
- On receipt of your request, staff from the Section Office confirmed that the arch had been erected, without those responsible having completed the required application process.
- Staff identified the Orange Lodge responsible for the traditional arch and have engaged with its officers in their submission of an application for retrospective consent for the erection of the arch.
- The Orange Lodge have since engaged with DfI staff and have submitted all the legally required documents and, subject to receipt of payment, the Department is now in a position to issue this retrospective consent for the traditional arch.

However, as all of the Department's contacts with the Orange Lodge in this case occurred after the receipt of your request, none of the records now held were held when your request was received and, as a result, the information not held response was correct, even if the Department did not fully meet its obligations in relation to the provision of advice and assistance.