

EIR Request (received 30 June 2025) - Reference: DFI/2025-0296

I am writing to request information under the Freedom of Information Act 2000. I am interested in all documentation related to the decision to erect safety barriers on several sections of the pavement on Rugby Road, BT7 1PT.

Specifically, I am requesting:

- All documentation on the decision to erect safety barriers on Rugby Road.
- All documentation between the Department and the Contractor regarding the erection of the safety barriers.
- All documentation relating to the cost of erecting the barriers and the cost of employing a worker to visit Rugby Road every four hours, five days a week, to take photographs of the barriers from multiple angles.

The timeframe for this information is from 21 March 2025 to 30 June 2025.

Response (issued 30 July 2025)

Thank you for your letter dated 30 June 2025 requesting information held by the Department, under the Freedom of Information Act 2000 (FOI). You requested the following information from 21 March 2025 to 30 June 2025:

- *All documentation on the decision to erect safety barriers on Rugby Road.*
- *All documentation between the Department and the Contractor regarding the erection of the safety barriers.*
- *All documentation relating to the cost of erecting the barriers and the cost of employing a worker to visit Rugby Road every four hours, five days a week, to take photographs of the barriers from multiple angles.*

In considering your request on behalf of the Department I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004, as opposed to the FOI Act 2000. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information. EIR gives rights of public access environmental information held by public authorities.

A guide explaining the Environmental Information Regulations can be found at: [Guide to the Environmental Information Regulations](#).

In response to your request, I can confirm that the Department for Infrastructure does hold information related to your request. As EIR relates to public rights of access to information, I must consider whether information is suitable for release to the world at large, and not solely to the applicant. I have examined the information you requested and carried out a public interest test to determine whether this information is suitable for release to the public.

Following consideration of the public interest in this case, I attach all information held that is suitable for disclosure to the public. However, I have determined that some of the requested information is not suitable for release and the attached records have been redacted for the following reason.

The redacted information constitutes third party personal data within the meaning of the Data Protection Act 2018 (DPA). A public authority may only release third party personal data if to do so would be fair, lawful and would meet the conditions in Schedule 2, 3 or 4 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles (Article 5(1) UK General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information.

In addition, some of the redacted information also constitutes commercially sensitive information which, being neither trivial nor in the public domain, meets the Common Law's necessary quality of confidence. The information is being withheld from disclosure to protect the legitimate economic interests of both the Department and third parties.

Disclosure of this commercially confidential information would undermine the third party's reasonable and actionable expectation of confidentiality. The information is current and placing it in the public domain would cause harm to the Departments contractor.

Disclosure would clearly allow the public, in particular economic competitors, to identify commercial rates/costs for carrying out these activities. This would have the effect of creating a competitive advantage for competitors and would clearly have an adverse effect on the commercial [bargaining] position of the Departments contractor in future similar competitions.

Making the information available to the public would damage the Department's own legitimate economic interests. It would compromise future competitive tendering for these services, and would prevent the Department achieving the best value for money for the public purse.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(5)(e): confidentiality of commercial or industrial information. I am satisfied that the public interest is best served by withholding this information.

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