

EIR Request (received 03 June 2026) - Reference: DFI/2026-0345

Request 1

I am writing to request information under the Freedom of Information Act. In order to assist you with this request, I am outlining my query as specifically as possible.

My request is as follows. Please provide:

Details of all communications and correspondence (both electronic and physical) concerning the Department and the 'Soil Task and Finish Group'. This would include, but is not restricted to:

- 1) Letters, email, electronic messenger and any other communications discussing the initiative.
- 2) Minutes and any other records from meetings and engagements (virtual, hybrid and in-person).
- 3) The time, date, venue and attendees of any such meetings and engagements (virtual, hybrid and in-person).
- 4) Any presentation materials circulated or used at any such meetings and engagements.
- 5) Any briefing notes or documents shared or used at any such meetings and engagements.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would like to receive the information in an electronic format - preferably as an Excel or csv file. If you feel that a substantive response to the request is not possible within a reasonable time frame, or if the request is too broad, I would be grateful if you could contact me by email and provide assistance as to how I could refine the request.

Finally, I would be grateful if you could confirm in writing that you have received this request. I look forward to your response within 20 working days, as outlined by the statute.

Please note that the initiative appears to sometimes be referred to as the 'Task and Finish Group - Soil Analysis' or the 'Task and Finishing Group'. You can clarify if these turn out to be separate initiatives, but I would advise 'Task', 'Finish', 'Soil' and 'Soil Analysis' as the key search terms for this group, given there appears to be a slight lack of consistency concerning how it's referred to by stakeholders.

Request 2

I am writing to request information under the Freedom of Information Act. In order to assist you with this request, I am outlining my query as specifically as possible.

My request is as follows. Please provide:

Details of all communications and correspondence (both electronic and physical) between the Department and the Society of Local Authority Chief Executives Northern Ireland (SOLACE NI) in relation to soil sample and soil sample analyses in planning applications since 2021. This would include, but is not restricted to:

- 1) Letters, email, electronic messenger and any other communications discussing this*
- 2) Minutes and any other records from meetings and engagements (virtual, hybrid and in-person).*
- 3) The time, date, venue and attendees of any such meetings and engagements (virtual, hybrid and in-person).*
- 4) Any presentation materials circulated or used at any such meetings and engagements.*
- 5) Any briefing notes or documents shared or used at any such meetings and engagements.*

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would like to receive the information in an electronic format - preferably as an Excel or csv file. If you feel that a substantive response to the request is not possible within a reasonable time frame, or if the request is too broad, I would be grateful if you could contact me by email and provide assistance as to how I could refine the request.

Response (issued 01 July 2026)

Thank you for your two emails dated 03 June 2026 requesting the information as detailed below. We are dealing with both of these requests within the one response.

Part One

Details of all communications and correspondence (both electronic and physical) concerning the Department and the 'Soil Task and Finish Group'. This would include, but is not restricted to:

- 1. Letters, email, electronic messenger and any other communications discussing the initiative.*
- 2. Minutes and any other records from meetings and engagements (virtual, hybrid and in-person).*
- 3. The time, date, venue and attendees of any such meetings and engagements (virtual, hybrid and in-person).*
- 4. Any presentation materials circulated or used at any such meetings and engagements.*
- 5. Any briefing notes or documents shared or used at any such meetings and engagements.*

Part Two

Details of all communications and correspondence (both electronic and physical) between the Department and the Society of Local Authority Chief Executives Northern Ireland (SOLACE NI) in relation to soil sample and soil sample analyses in planning applications since 2021. This would include, but is not restricted to:

- 1. Letters, email, electronic messenger and any other communications discussing this.*
- 2. Minutes and any other records from meetings and engagements (virtual, hybrid and in-person).*
- 3. The time, date, venue and attendees of any such meetings and engagements (virtual, hybrid and in-person).*
- 4. Any presentation materials circulated or used at any such meetings and engagements.*
- 5. Any briefing notes or documents shared or used at any such meetings and engagements.*

In considering your request on behalf of the Department it has been 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 | ICO](#).

In response to the request, I can confirm that the Department for Infrastructure does hold information relating 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 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. I attach all that is suitable to disclosure to the public..

Some of the information you have requested is already available online. I have included the links below to this information for your convenience. I have also attached this information in Part 1, Attachments 1-2. It should be noted that some of the information provided online and attached may be outside the specific scope of your request.

- [DFI/2025-0119 - Copies of records held by DfI, from 21 May 2024 to date, regarding misrepresentation of soil sample analyses. | Department for Infrastructure](#); and
- [DFI/2026-0148 - Copies of information held relating to the issue of misrepresentation of soil sample analysis, March 2025 to date. | Department for Infrastructure](#).

I regret to inform you that I have determined that some of the information that you requested is not suitable for disclosure at this time and has been withheld under the following EIR exceptions:

- Reg. 12(3) & 13: personal information

However, I should point out that certain information/details has/have been redacted from the information released, but these relate to personal information, e.g. signatures, personal telephone numbers and e-mail addresses which would clearly identify the names and addresses of individuals. 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 information provided has, therefore, been redacted under the exception provided under EIR by Regulations 12(3) & (13): personal information. I am satisfied that the public interest is best served by withholding this information.

- Reg. 12(4)(d): material in the course of completion, unfinished documents and incomplete data

Some of the information that the Department holds is in draft form. For example, this relates to such items as the 'Fraud Risk in Planning - Regional Response Protocol'. Whilst this document has been agreed by the Task and Finish Group (TFG) as a final draft, it has not yet been finalised. When work on the protocol is completed, this will be made publicly available.

Draft records are, by definition, unfinished documents, and as the title of Reg. 12(4)(d) makes clear, EIR distinguishes between information that is incomplete, and an unfinished document. The Information Commissioner's Office guidance and Information Tribunal rulings have made clear that the legislation offers particular protections to drafts (most notably EA/2008/0052 and EA/2009/0001).

As a result, even when a final version of a document/record is complete, any earlier drafts may continue to be exempt from disclosure, if it is in the public interest.

I have considered the public interest in this case and am satisfied that, at this time, draft documents/records should be withheld. When these draft documents have been agreed, and form part of the Department's official record, they may well be suitable for public disclosure.

- Reg. 12(4)(e): internal communications

Briefing material in its entirety consists of internal communications, which is excepted from the duty to disclose under Regulation 12(4)(e) of the EIR. This is subject to consideration of the public interest, which is outlined below. In addition, all internal communications within the Department and between the Department and other NICS Departments may be subject to/are covered by this exception, subject to consideration of the public interest. Where the public interest favours disclosure, this exception has not been applied, and information has been provided to you. However, the public interest for all the redacted information favoured non-disclosure.

Some of the information requested will not normally become part of the Department's official record, (for example, purely administrative communications in relation to meeting times, dates etc.) and would not be routinely retained on our electronic records management system. The Department believes that such emails, other than briefly mentioning the subject matter, do not fall within a reasonable understanding of the scope of the request. As a result, these covering emails have not generally been included in the information provided.

While there is a public interest in disclosure, in line with Reg 12(2), the Department's view is that this is part of an ongoing process that has not yet reached completion. For example, some of these internal communications form part of the ongoing process of completing the final draft of the protocol. In that event, there is a stronger public interest in ensuring the Department can fully consider all relevant issues in a safe space, in order to ensure the entire process is completed with the maximum rigor and challenge without prejudice.

- Reg. 12(5)(d): confidentiality of proceedings.

Whilst there is always a public interest in disclosure of environmental information, to ensure that the public is better informed and to increase transparency in decision-making, the legislation recognises that there will be times where it is necessary to allow public authorities a protection for formal proceedings. In this case proceedings refers to formal meetings, hearings and/or negotiations involving the Department and third parties for which there is a reasonable expectation of confidentiality.

Under the legislation, the information subject to the exception must meet a strict definition of confidentiality. The confidentiality must be provided by law, either by statute or through meeting the Common Law standard. For information to be considered confidential under the Common Law it must be neither trivial nor in the public domain, while it must also have the necessary quality of confidence. Information that has been marked as confidential will not automatically be withheld under this exception.

Disclosure of this information, at this stage, would clearly cause harm to the Department's ability to carry out its full range of functions.

I am satisfied that the public interest is best served by withholding this information.

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