

EIR Request (received 17 February 2021) - Reference: DFI/2021-0065

Please accept this email as a freedom of information request.

I would like the following information:

- A breakdown of all vehicle damage compensation claims submitted to the Western Division in the last 2 years regarding defective roads;
- A breakdown of all vehicle damage compensation claims paid by the Western Division in the last 2 years regarding defective roads; and
- A copy of any reports/reasons relating to all vehicle damage compensation claims paid by the Western Division in the last 2 years.

Response (issued 24 March 2021)

Thank you for your e-mail dated 17 February 2021 requesting the following:

- A breakdown of all vehicle damage compensation claims submitted to the Western Division in the last 2 years regarding defective roads;
- A breakdown of all vehicle damage compensation claims paid by the Western Division in the last 2 years regarding defective roads; and
- A copy of any reports/reasons relating to all vehicle damage compensation claims paid by the Western Division in the last 2 years.

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 (EIR), as opposed to Freedom of Information Act 2000.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/>.

Firstly, I would like to apologise for the delay in responding to your request. I am aware that you had previously been advised that a response would issue by 18 March 2021. I can confirm that the Department does hold information relating to your request, and I shall now address your questions in the order asked.

- In response to the first element of your request, **Table 1** details the number of public liability vehicle damage claims received by the Department for Infrastructure during the

last two full financial years where the accident location occurred within Roads Western Division.

Table 1

Vehicle Damage Claims	
Year	Number received
2018-2019	1,017
2019-2020	324

- Table 2 details, for the second of your requests, both the number of compensation payments made and their total value, for all public liability vehicle damage claims paid by the Department for Infrastructure during the last 2 full financial years where the accident location occurred within Roads Western Division.

Please note that claims received in a financial year are not always concluded in the same financial year. This is because, inter-alia, claims which are rejected may result in legal proceedings being issued or claims received late in the year may not have the outcome decided until the following year. It is important that this distinction is made clear, as it would be incorrect to infer that claims concluded in any year relate to claims received that year. The same applies to compensation payments.

Table 2

Compensation Payments		
Year	Number	Total Value
2018-2019	1,017	£199,819.98
2019-2020	324	£85,129.18

- Please note that the Department cannot process the last element of your request. You had requested “a copy of any reports/reasons relating to all vehicle damage compensation claims paid by the Western Division in the last 2 years”. I regret to inform you that the scope of this element of your request is such, requiring a manual trawl through hundreds of case files, that we are obliged to refuse to process your request.

While the Environmental Information Regulations, unlike FOI, did not specify a fixed amount of staff costs that would represent an appropriate limit (£600 for Government Departments, set at £25 per hour of staff time), beyond which public authorities need not go to answer requests. Instead the legislation provides an exception from the general presumption in favour of disclosure, at Regulation 12(4)(b), when the burden placed on staff resources is considered to be manifestly unreasonable. The Information Commissioner’s Office has made clear that, while EIR does not specify a

reasonable cost of compliance, Parliament had clearly identified what would be a reasonable cost in setting the appropriate limit for FOI.

A sample exercise was carried out, to determine whether the Department can comply with your request, without placing an unnecessary burden on staff resources. I regret to inform you that this sample has shown that staff time required to comply would be well in excess of the appropriate limit set out under FOI. I have carried out a test of the public interest in this case, and am satisfied that the diversion of staff resources required is so great that the Department must refuse your request. The Regulation 12(4)(b): manifestly unreasonable exception is clearly engaged.

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