

## **Request for Internal Review (received 01 August 2021) - Reference: DFI/2021-0257**

Please may I request an internal review of this decision?

Ms Mallon stated in early July and I quote "To date I haven't seen any evidence that would warrant the immediate removal of face coverings from public transport and bars and restaurants."

This tells me Ms Mallon has seen the evidence. When I ask the Department for Infrastructure you tell me it doesn't exist. Same thing happened last year. I asked the department, they didn't have it, I was referred to DoH and they didn't have it either.

Are DfI going to provide the evidence, admit it doesn't exist or are we going to go round the merry go round until someone falls off i.e. you think I got bored and stop asking!

## **Response (issued 26 August 2021)**

You wrote to me on 01 August 2021 requesting an internal review of the handling of your Freedom of Information (FOI) request for copies of the evidence relied upon by the DfI Minister regarding the wearing of masks on public transport, received in the Department on 08 July 2021. You had received a response to your request on 30 July 2021, from Ms. Jackie Robinson, reference DFI/2021-0257.

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 Freedom of Information Act 2000 (FOIA). I would like to take this opportunity to explain my decision.

The FOIA established general public rights of access to recorded information held by public authorities, including Government Departments, Councils, schools, etc. The legislation creates a presumption favouring disclosure of information, to help increase public awareness of, and trust in, the work of public authorities.

The legislation does not, however, require that a public authority, in this case the Department for Infrastructure, create new records in order to respond to a request for information. The answer, where a public authority does not hold information, must be that the information is not held.

I would like to make clear that Northern Ireland's evolving response to the current Covid-19 pandemic is not the result of individual Departments and Ministers acting independently of each other. The Northern Ireland Executive has been acting in concert, with decisions made jointly by Ministers in the Executive. In making decisions evidence can be considered by Ministers from a wide range of sources, including published material not held by this Department.

A considerable body of international scientific evidence and guidance for the public is already published and available on the internet.

The detailed information available online includes guidance provided by the Department of Health and the UK Government, and publications by The Lancet, The British Medical Journal and Oxford University. Additionally, a number of international resources available may be of assistance, particularly those provided by the World Health Organisation, including its Mythbusters section.

From the United States of America, the National Institutes of Health (including the U.S. National Library of Medicine and the National Center for Biotechnology Information) and the Centers for Disease Control and Prevention also provide useful detail for those seeking to inform themselves of the facts relating to Coronavirus and how to limit its spread.

I appreciate that you will continue to be disappointed that the Department cannot provide you with the information that you have requested, as the information is not held.