

FOI Request (received 19 November 2021) - Reference: DFI/2021-0416

Please may I request information using FOI?

1. Copies of correspondence sent to Ms. Mallon from DoH since 1st August this year?
2. All correspondence relating to vaccine passports held within DfI? While this may be deemed private and ministerial related I do think it's in the public interest to share it. As you will know it is a highly emotive subject and it is in the public interest to share.
3. Cost to Translink and the department for giving people free transport to and from COVID vaccination centres.
4. All correspondence relating to measures DfI have discussed regarding measures to increase vaccine uptake?
5. All correspondence relating to banning people who are COVID unvaccinated from public transport?

Response (issued 17 December 2021)

I refer to your request received by this Department on 19 November 2021 in which you requested information under the Freedom of Information Act 2000.

You asked for the following information relating to COVID, including communications between the DfI Minister and the Department of Health, or about increasing the numbers of vaccinations, vaccine passports and whether the unvaccinated can use public transport:

1. Copies of correspondence sent to Ms. Mallon from DoH since 1st August this year?
2. All correspondence relating to vaccine passports held within DfI? While this may be deemed private and ministerial related I do think it's in the public interest to share it. As you will know it is a highly emotive subject and it is in the public interest to share.
3. Cost to Translink and the department for giving people free transport to and from COVID vaccination centres.
4. All correspondence relating to measures DfI have discussed regarding measures to increase vaccine uptake?
5. All correspondence relating to banning people who are COVID unvaccinated from public transport?

In response to your request, I can confirm that the Department for Infrastructure does hold some information relating to your request. I will address each element of your request in the order asked.

1. I regret to inform you that, while the Department for Infrastructure (Dfi) does hold information in relation to this question, it is unable to provide you with the information sought.

This information is exempt under s35(1)(a) and s35(1)(b) of the Freedom of Information Act 2000.

Section 35(1)(a) of the Freedom of Information Act, provides an exemption for information inasmuch as it relates to the formulation or development of government policy. This exemption is intended to protect the integrity of the policy making process, and to prevent disclosures which would undermine this process and result in less robust, well-considered or effective policies. In particular, it ensures a safe space to consider policy options in private, to develop ideas, debate live issues, and reach decisions away from external interference and distraction.

You will appreciate that the Department and the wider Executive are engaging with the current COVID-19 pandemic as it evolves. The impact of the virus on life in Northern Ireland is subject to change, often with very little prior warning. While the pandemic is ongoing, consideration of possible Government actions to reduce the spread of the virus form live policy formulation and development for the Executive. The options being considered, reviewed, and accepted or rejected by officials, at this time, clearly need to be assessed within a safe environment, free from disruption or disturbance. I am satisfied, therefore, that the public interest supports the decision that this information cannot be released at this time.

Section 35(1)(b) of the Freedom of Information Act provides that information may be withheld if it relates to Ministerial Communications.

Both of these questions include information that constitutes Ministerial Communications. The exemption is designed to protect the operation of Government at Ministerial level. It reflects the convention of Ministerial collective responsibility in matters relating to policy formulation and development at Cabinet, or Executive, level. In this case, as with the application of the s35(1)(a) exemption, the public interest strongly favours withholding the information because it relates to an ongoing process of policy formulation and development, at Ministerial level, as the Executive seeks to deal with the difficulties created by the current COVID-19 pandemic. The information you have requested relates to a policy matter that is live and constantly evolving, for which Ministers, as much as

their officials, require a safe space within which to make decisions. I am satisfied, in this case, as well as for s35(1)(a), that the public interest supports withholding the requested information;

2. Please see the answer provided at 1, above;
3. I have been in touch with Translink on your behalf on this matter and they have confirmed this service was provided under an existing contract with South Eastern Trust and therefore no additional costs were incurred. The Department holds no information on the cost of providing free transport to and from vaccination centres;
4. Please see the answer provided at 1, above; and
5. The Department holds no information concerning banning unvaccinated passengers from using public transport.

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