

EIR Request (received 10 January 2022) - Reference: DFI/2022-0010

Under the Freedom of Information Act 2000, and in conjunction with Environmental Information Regulations 2004 I would like to request who made a report on works being carried out at a property on the Loughinisland Road, Downpatrick, County Down BT30 8PT.

Response (issued 03 February 2022)

Thank you for your email of 10 January 2022 requesting, under the Freedom of Information Act 2000 (FOI) and in conjunction with Environmental Information regulations 2004, the identity of the individual that reported works being carried out at a property on the Loughinisland Road, Co. Down.

In considering your request on behalf of the Department I have determined that the information requested falls under the Environment Information Regulations 2004 (EIR), as opposed to FOI. 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 to environmental information held by public authorities.

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/>.

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. I regret to inform you that, following consideration of the public interest in this case, I have determined that the information requested is not suitable for release.

The requested 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) General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case.

The requested information is therefore withheld 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.

I appreciate that you will be disappointed with this response, but I hope that you will understand the reasons behind the Department's decision.