

EIR Request (received 28 June 2022) - Reference: DFI/2022-0209

Please provide details of correspondence and meetings between DfI Minister and/or officials and PSNI since 1 Jan 2022 regarding loyalist paramilitary flags on lampposts in the Newtownards area including: dates, minutes and actions.

Response (issued 18 July 2022)

Thank you for your email dated 28 June 2022 requesting, under the Freedom of Information Act, the following information from the Department for Infrastructure:

Details of correspondence and meetings between DfI Minister and/or officials and PSNI since 1 Jan 2022 regarding loyalist paramilitary flags on lampposts in the Newtownards area including: dates, minutes and actions.

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, as opposed to the FOI 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/>.

In response to your request, I can confirm that the Department does hold information in the form of correspondence between DfI officials and PSNI since 01 January 2022 regarding loyalist paramilitary flags on lampposts in the Newtownards area.

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.

Following consideration of the public interest in this case, I have determined that the information you requested is not suitable for release under exemptions Regulation 12(5)(a) and 12(5)(b).

In respect to the Regulation 12(5)(a), in reaching this conclusion based on the subject matter which involves the display of prescriptive paramilitary paraphernalia, the Department has considered whether the requested information could be pieced together (mosaic effect) with

other information to reveal something that would undermine investigations and also leave individuals at risk therefore creating a public safety issue.

Secondly, Regulation 12(5)(b) “*to the extent that its disclosure would adversely affect*” the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

In this instance, the information that you have requested includes information about ongoing law enforcement investigations or proceedings and as such its disclosure would be detrimental current and future investigations.

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