

## **EIR Request (received 24 October 2022) - Reference: DFI/2022-0357**

Information request: re Alexander Drive, Warrenpoint, Co. Down.

The information I wish to request is:

- 1) all correspondence & notification records about pedestrian access from Slieve Foy Place WP into Alexander Drive from Date - Jan 2010- Oct 2022
- 2) any Correspondence received about residents of Alexander Drive from Jan 2010 - Oct 2022
- 3) any info regarding 'Rights of Way' from date Alexander Drive was built in 1968 - to Oct 2022 - e.g. pre-existing rights before building of estate, any rights which later materialised, etc.

## **Response (issued 17 November 2022)**

Thank you for your email of 24 October requesting, under the Freedom of Information Act 2000 (FOI), information held by the Department. You requested the following:

- 1) *all correspondence & notification records about pedestrian access from Slieve Foy Place WP into Alexander Drive from Date - Jan 2010- Oct 2022*
- 2) *any Correspondence received about residents of Alexander Drive from Jan 2010 - Oct 2022*
- 3) *any info regarding 'Rights of Way' from date Alexander Drive was built in 1968 - to Oct 2022 - e.g. pre-existing rights before building of estate, any rights which later materialised, etc.*

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 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 for correspondence held by the Department concerning pedestrian access and residents at Slieve Foy Place/Alexander Drive, Warrenpoint, 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 and can advise that some of this information is suitable for release.

Following consideration of the public interest in this case I have determined that some of the requested information is not suitable for release as it 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) UK General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case. The information provided has therefore been withheld under the exception provided under EIR by Regulation 12(3) & 13: personal information. I am satisfied that the public interest is best served by withholding this information.

I have attached all the information held that is suitable for disclosure to the public which has been redacted for the reasons listed above.

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

With regard to your request for information regarding 'Rights of Way' from the date Alexander Drive was built in 1968 to Oct 2022, I can advise that the Department does not appear to hold any information.

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