

## **EIR Request (received 06 April 2023) - Reference: DFI/2023-0134**

Under the Freedom of Information Act, I would like to request all the information pertaining to the below list.

1. All road recovery projects since April 1st 2015 till the present day broken down by financial year in which initiated.
2. All correspondence in relation to Shanco Road, Clogher since 2015
3. Correspondence leading to the removal of Shanco road from the Roads recovery scheme 2021/22
4. What road(s) replaced Shanco Road on the Roads Recovery scheme.
5. Where does Shanco Rd sit currently in Western Division plans for recovery.

## **Response (issued 09 May 2023)**

Thank you for your email dated 06April 2023 requesting the following information under the Freedom of Information Act 2000:

- 1. All road recovery projects since April 1st 2015 till the present day broken down by financial year in which initiated.*
- 2. All correspondence in relation to Shanco Road, Clogher since 2015*
- 3. Correspondence leading to the removal of Shanco road from the Roads recovery scheme 2021/22*
- 4. What road(s) replaced Shanco Road on the Roads Recovery scheme.*
- 5. Where does Shanco Rd sit currently in Western Division plans for recovery.*

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 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

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/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

In response to your request, I can confirm that the Department does hold information relating to your request and being suitable for disclosure, I will address your questions in the order asked, and attach all information suitable for disclosure.

1. Please find attached the relevant Road Recovery programmes in Mid-Ulster South from 01 April 2015 to the present day, broken down by financial year. Please note the Rural Roads Initiative commenced in 2016-2017.
2. I have attached correspondence in relation to Shanco Road Clogher since 2015. You will note that the attached correspondence has been redacted.

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 have determined that some of the requested information is not suitable for release and the attached records have been redacted for the following reason.

The redacted 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) 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 redacted 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.

3. As Shanco Road was not on the roads recovery 2021/22 programme no correspondence is held by the Department relating to its removal.
4. As Shanco Road was not on the roads recovery 2021/22 programme a replacement road was not required.

5. Shanco Road currently sits on our Surface Dressing Programme 'for recovery', subject to confirmation of budget for this year and preparatory patching work will be completed prior to this. Some of this has already taken place and is evident on the ground.

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