

EIR Request (received 17 June 2019) - Reference: DFI/2019-0223

Copies of inspection records and notices to Virgin Media for Granville Drive junction Broughshane Street, Ballymena BT43 6ED particularly near to the Quigley and Martin Dental Practice, from 13 February 2017 to 15 February 2018.

Response (issued 21 June 2019)

Thank you for your email dated 17 June 2019, requesting under the Freedom of Information Act (FOI), a copy of our inspection records and notices to Virgin Media for Granville Drive at the junction with Broughshane Street, Ballymena, from 13 February 2017 until 15 February 2018.

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/>.

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. A redacted copy of the inspection reports for road section 7020U2200_01 Broughshane Street1: A42 Chapel Roundabout to Ballymoney Street, which includes the area near to Quigley and Martin Dental Practice, between the dates 13 February 2017 until 15 February 2018 is attached.

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

The information has therefore been redacted 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.

As you may be aware, any notices to Virgin Media would be recorded on the NISRANS system, which is fully accessible to Virgin Media.

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