

EIR Request (received 17 June 2019) - Reference: DFI/2019-0256

We should be grateful if you could provide a copy of your inspection records and notices to Virgin Media for Sunnylands Grove, Sunnylands Avenue, Carrickfergus BT38 8JG, particularly the footpath at the side of Sunnylands Grove from 14 March 2018 to 30 March 2019.

We are dealing with a personal injury claim made against Virgin Media by a member of the public who alleges they suffered injury as a result of tripping on a broken pavement slab.

We thank you for your assistance in this matter and look forward to hearing from you.

Response (issued 12 August 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 the above address.

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, our inspection records and notices to Virgin Media for Sunnylands Grove and Sunnylands Avenue, Carrickfergus is attached. In addition, as you may be aware, any notices to Virgin Media would be recorded on the NISRANS system, which is fully accessible to Virgin Media.

The redacted information in this case 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 attached information is therefore 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 this redaction.

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