

**EIR Request (received 06 December 2021 & clarified 17 December 2021) -**

**Reference: DFI/2021-0431**

I wish to make an application, pursuant to the Freedom of Information Act 2000, for a record/list of all repairs/amendments and the reason for same on below stretch of road between 31st May 2020 to 1st May 2010 (or as near to 2010 that records allow) :-

Springfield Road Belfast

Start Point - Latitude 54.5975 Longitude - 5.9791

Finish Point - Latitude 54.5975 Longitude - 5.9774

**Response (issued 20 January 2022)**

Thank you for your email dated 6 December 2021, requesting details, under the Freedom of Information Act, of carriageway works carried out on the stretch of the Springfield Road, Belfast (adjacent to the Police Station). Following clarification received on 17 December 2021, the information you had requested was refined to be for copies of any:

*Records of all carriageway amendments/major road works carried out on the stretch of the Springfield Road, Belfast (adjacent to the Police Station), from 1 May 2010 to 31 May 2020.*

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.

Following consideration of the public interest in this case, I attach all information held that is suitable for disclosure to the public. In response to your clarified request, the Department can provide the following information:

- 1) A copy of the Works Order and Project brief for a carriageway resurfacing scheme carried out in August 2013; and
- 2) A copy of a map with details of a Dropped Kerb pedestrian crossing point scheme carried out in 2018-2019.

You will note, however, that the information provided has been redacted, as some information has been deemed unsuitable for disclosure.

Some of 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 provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: personal information.

In addition, some information has also been redacted because it commercially sensitive information which, being neither trivial nor in the public domain, meets the Common Law's necessary quality of confidence. The redacted information is being withheld to protect the legitimate economic interests of both the Department and third parties.

Disclosure of this commercially confidential information would undermine the third party's reasonable and actionable expectation of confidentiality. Some of the commercially sensitive information reflects current rates for work types, while the earlier detail would allow calculation to identify current rates, and placing this data in the public domain would cause harm to the interests of contractors that deliver services under the Department's Measured Term Contracts.

Disclosure would clearly allow the public, in particular economic competitors, to identify commercial rates/costs for carrying out these activities. This would have the effect of creating a competitive advantage for competitors in preparing their tenders, and would clearly have an adverse effect on the commercial [bargaining] position of contractors currently providing services under Measured Term Contracts in future similar competitions.

Making the information available to the public would damage the Department's own legitimate economic interests. It would compromise future competitive tendering for these services, and would prevent the Department achieving the best value for money for the public purse.

The information provided has therefore been redacted under the exception provided under EIR by Regulation 12(5)(e): confidentiality of commercial or industrial information.

I am satisfied that the public interest is best served by withholding this redacted information, for the reasons given and under the exceptions listed, Reg. 12(3) & 13 and Reg. 12(5)(e), above.

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