

## **EIR Request (received 05 January 2022) - Reference: DFI/2022-0009**

Copies of all documentation and communications held by the Department of Infrastructure, in particular but not limited to DfI Roads, in regards to planning application LA07/2020/0982/F - Lands approximately 55 metres North West of No.5 Upper Fathom Road, Fathom Lower, Newry, BT35 8NY.

## **Response (issued 07 February 2022)**

Thank you for your email dated 5 January 2022, under the Freedom of Information Act, requesting the above information from this office.

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 established similar public rights of access environmental information held by public authorities to those created for other types of information under the Freedom of Information Act 2000.

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 DfI Roads and Rivers' consultations and responses to planning applications are publically available on-line on the Planning Portal and can be accessed at: <http://epicpublic.planningni.gov.uk/publicaccess>.

I can also confirm that the Department for Infrastructure does hold additional information related to your request. As the 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 a public interest test has been carried out 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. However, 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/withheld 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.

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

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