

EIR Request (received 17 November 2022) - Reference: DFI/2022-0399

I would like to request under the Freedom of Information Act all the details you have on Hunters Mill stream street Downpatrick BT30 6BL, builders were Polly brothers ltd and planning application no R/1998/1115.

Response (issued 16 December 2022)

Thank you for your email letter dated 17 November 2022 requesting under the Freedom of Information Act 2000 (FOI), information held by the Department. You requested the following:

all the details you have on Hunter's Mill, Stream Street, Downpatrick, BT30 6BL, builders were Polly Brothers Ltd., and planning application no R/1998/1115.

As there are several public bodies that hold information in relation to a planning application in their role as Statutory Consultees, the Department requested that you confirm that the Information request related to DfI Roads Southern Division, which you kindly confirmed.

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 gives rights of public access environmental information held by public authorities.

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, DfI Roads Southern Division 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 and can advise that I have attached 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 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.

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