

Shared Service Centre
Feedback and Information Governance

Mark Rudd, Assistant Director | Shared Services



Ms Danielle Gregory

Via email: request-463410-996f6a23@whatdotheyknow.com

Date: **13 March 2018**

Our ref: LBH/7092318

Telephone: 020 8489 2552

Email: sirkku.pietikainen@haringey.gov.uk

Dear Ms Gregory,

Internal Review of the Environmental Information Regulations request reference: Lbh/7079518

Thank you for giving us an opportunity to review the response we have sent to your Environmental Information Regulations request.

Your request was for: *the findings of the structural investigations into Broadwater Farm Estate carried out during 2017, in particular any references to gas, risk of disproportionate collapse and fire compartmentation.*

Homes for Haringey responded by explaining the structural reports were in draft format and therefore unavailable, however, once finalised they would be available on their website.

You requested an internal review asking us to clarify which Freedom of Information Act exemption justified the refusal to provide the information requested.

Although initially your request was dealt with under the Freedom of Information Act, as your request is for a structural report of an estate we consider the relevant regime is the Environmental Information Regulations. I apologise for any confusion this may cause.

We consider the draft report exempt from release under Regulation 12(4)(d) of EIR states: *a public authority may refuse to disclose information to the extent that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.* I apologise as this was not made clear in the original response

We consider that this exception applies because: the request is for a draft report and a draft of a document is by its nature an unfinished form of that document.

Regulation 12(4)(d) is a qualified exception and is therefore subject to the public interest test.

The public interest arguments for releasing this information are as follows:

- There is always a general public interest in disclosing environmental information, derived from the purpose of the EIR
- To encourage transparency in the Council's decision making processes
- To allow transparency of decisions on how public funds are spent
- To inform public debate on the particular environmental issue that the information relates to

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- To show how a public authority has met its obligations under other environmental legislation

The public interest arguments for withholding the information are as follows:

- The Council needs to have a safe space in which to formulate its policies and to reach decisions.
- Releasing incomplete or unfinished material into the public domain could distract public debate away from the substantive issues to which the information relates.
- We consider that in this case it would difficult for this unfinished information to be placed into context that would allow us to counteract any confusion. Instead the debate could focus on secondary issues such as the differences between a draft and a final version etc. creating more enquiries distracting Council officers from their normal duties in order to provide responses to such enquiries.
- The finalised report will be published by the end of this month on Homes for Haringey's website: www.homesforharingey.org.

It is considered that the public interest in withholding the draft reports outweighs the public interest in disclosing it.

I hope that you are satisfied with my response to your complaint. If you are dissatisfied, you may complain to the Information Commissioner, who may be able to help you. Please note that if you wish to refer this case to the Information Commissioner, they normally ask that you do so within two months of our response to you.

You can contact the Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
casework@ico.org.uk
www.ico.org.uk

Yours sincerely

Sirkku Pietikainen
Information Governance Officer