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Rimrose Valley Friends

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By email:
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17 January 2020

Dear Rimrose Valley Friends

A5036 Port of Liverpool access scheme – response to request for information under Environmental Information Regulations 2004 – feedback sheets from public information events – EIR 100653

I am writing to advise you that we do hold information that is relevant to your request received on 17 December 2019 concerning feedback sheets from our public information events held last October. I regret to inform you of our decision not to disclose this information.

The information you requested is being withheld in reliance on the exception in [regulation 13 of the Environmental Information Regulations 2004](#) because we believe that to do so would contravene the requirements of the Data Protection Act 2018.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are shown in the table below:

Factors supporting disclosure	Factors supporting non-disclosure
<p>There is a clear public interest in the work of government being closely examined to encourage the discharging of public functions in the most efficient and effective way.</p> <p>There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse.</p>	<p>While it is possible to redact names and addresses from the head of each feedback form, many of them include personal details within the body of the forms that would be much harder to redact.</p> <p>The forms are handwritten, and it may be possible to identify individuals by their handwriting. Given the controversy and strength of feeling about the scheme, for and against, identification of individuals could cause damage or distress.</p> <p>Individuals completing the forms were not informed that their comments may be published. A significant number left no contact details, making it impossible to request permission to publish the forms retrospectively.</p>

	In these circumstances, we believe that Regulation 13 applies – in that we would be contravening the Data Protection Act 2018 – and that therefore, as a public body, we are prevented from releasing the feedback forms.
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As you know, members of the public have used the scheme's Commonplace web page to make many of the same comments in a more anonymous setting, and these comments are visible to anyone visiting the site. We therefore take the view that the public interest in disclosing the information requested is far outweighed by the obligation on us to comply with the data protection legislation.

If you are unhappy with the way we have handled your request you may ask for an internal review within 40 days of the date of this response for Environmental Information Regulations requests.

Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number EIR 100653 in any future communications.

Yours sincerely



Paul Burroughs
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