



Department for the
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Date: 9th March 2017

Mr Gary Clarke
[request-376161-d6104ab3@whatdotheyknow.com]

Dear Mr Clarke

REQUEST FOR INFORMATION (DfE 2016-0152): INTERNAL REVIEW

I refer to your request for information of 8th December 2016 and to your subsequent request for an Internal Review of the Department's failure to respond.

I can now advise that this Internal Review has been completed. You may wish to be aware that I do not have any role in the Departmental Business Area which is dealing with your request and that I have considered this purely from the perspective of the Department's statutory obligations under the Environmental Information Regulations (EIRs) 2004. I regret that I have been unable to respond until today.

My Review has confirmed that the Department's statutory deadline for response to your request was on 10th January 2017 and that this remains unanswered at today's date.

I am aware of your correspondence with the Department since the submission of this request, and note that the Department did not extend the deadline for reply by a further 20 working days under Regulation 7 of the EIRs on the grounds that the response was complex.

I consider that the information requested is indeed complex due to a number of issues and that the request qualified for an extended deadline of 7th February 2017. However I acknowledge that this extended deadline has past.

I have considered the specific issues raised in your correspondence and am content that the Department has not deliberately delayed the release of the information requested, that it has not ignored the request and that it has not attempted to delay the request until such time as the High Court made its determination on the release of beneficiary names.

However my Review has confirmed that the Department is in breach of Regulation 5(2) of the EIRs by not issuing a response by 10th January and that a response must be issued as soon as possible. I will therefore take this forward with Departmental officials.



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I would take this opportunity to remind you of your right to appeal to the Information Commissioner if you are not happy with this response, and have attached copy of the Department's Access to Information Factsheet which provides relevant contact details.

Yours sincerely

Paula McCreary

Head of Information Management Unit & Communications Branch



INVESTORS
IN PEOPLE



Environmental Information Regulations 2004

Access to Information Fact Sheet

Note: This leaflet gives an overview of some of the main provisions of the Freedom of Information Act and Environmental Information Regulations and should not be regarded as a legal interpretation.

1. What is the Freedom of Information Act? The Freedom of Information (FOI) Act 2000 was fully implemented on 1st January 2005, giving you the right to request information from public authorities. This allows you to access information about how the Department works, spends public money, reaches decisions, etc.

Information may also be obtained under:

- **The Data Protection Act 1998 (DPA)** - this allows you access to information held *about you* by both public and private organisations, and gives you the right to make sure it is correct.
- **The Environmental Information Regulations 2004 (EIRs)** - This legislation gives you access to any environmental information held by organisations that perform public functions.

2. How do I get information about Department for the Economy under these Acts? You can find information on the Department's website: <https://www.economy-ni.gov.uk> If you can't see what you're looking for you can contact us by email at foi@economy-ni.gov.uk or write to us at:

Information Management Unit
Department for the Economy
Netherleigh, Massey Avenue
Belfast BT4 2JP

Please state your name, address, telephone number and specific details of the information you require.

3. How long does it take to get information under the FOI Act? Once a written request for information is received, we will respond promptly, and at any rate, within 20 working days. In certain circumstances a final response may be made outside this period where additional time is needed to determine whether or not disclosure would be in the public interest.

4. Is there a cost? This depends on a number of factors including the volume and complexity of material requested. Responses to enquiries that cost the department less than £600 to processⁱ will be provided free of charge, although there may be a small charge for disbursementsⁱⁱ. The Department has a right to refuse an FOI request if the cost of locating and retrieving the information exceeds £600. We will not refuse a request for environmental information on the grounds of cost alone; however we have the right to charge a reasonable



amount to cover processing costs. In all cases, we will notify you of any estimated costs before proceeding with the request.

5. What happens if the information I want is not available? The Department is not obliged to create or acquire information it does not already hold, but we will try to assist where possible. We may contact you about what relevant information we do hold, or may offer to transfer your request to another public authority that might help.

6. Can I have any information at all? The FOI Act and Environmental Information Regulations allow you access to much of the information held by public bodies. But some types of information are exempted, for example personal details about others, or where disclosure might prejudice a company's commercial interests.

7. What if I am refused information? We will tell you if information is being withheld and why. If you are unhappy with how we have handled your request you have the right to request an internal review. To request an internal review send an email or letter within 40 working days, to our Head of Information Management Unit – see contact details at point 2 above.

We will reply to you within 20 working days. If you are not satisfied with the result of the internal review you may appeal to the Information Commissioner (details provided below at point 9). The Commissioner will normally expect an internal review to have been carried out prior to appeal.

8. How do I find out more? More information is available from office of the Information Commissioner at:

Website:	www.informationcommissioner.gov.uk	Phone:	01625 545 700
Post:	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF	Email:	ni@ico.org.uk

Re-use of Information

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- ⁱ Includes the cost of locating, retrieving and extracting the information
ⁱⁱ Disbursements may include costs of photocopying, printing, postage etc

