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DfE Ref No. 2017-0069

Environmental Information Regulations 2004

Thank you for your request for information relating to all information held by the department in relation to EIR request DfE 2016-0152. The request was received on 09 Mar 2017 and the Department is dealing with it under the terms of the above legislation.

I can confirm that Department holds information relating to your request.

This information is being withheld under section 12 4 (e) of the Environmental Information Regulations 2004 as it relates to internal communications.

In making this decision, the Department has considered the following public interest test factors:

Arguments in favour of disclosure:

- The Department wishes to be as open and transparent as possible
- The Department recognises the importance of transparency in areas of public concern
- The release of the information may increase the public understanding Departmental processes

Arguments against disclosure:

- The release of this internal communication would prejudice the Department's ability to rely on private thinking space in the future.

- Release of this information may also have a negative effect on the provision of future advice and lower the quality of internal deliberation and decision making in the future which could lead to poor decision making on such issues
- The Department's ability to correspond freely without external intrusion is essential to good public service

Conclusion

In weighing up the arguments for and against disclosure the Department considers that public interest in not providing the information outweighs the public interest in the release of this information.

I have enclosed an Access to Information Factsheet which provides information on EIR procedures, including what to do if you are not happy with our response, and some useful contact points.

Yours sincerely

Stephen McMurray
Department for the Economy

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