

## Corporate Services Division

Information Management and Central  
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Office of the  
**First Minister and  
Deputy First Minister**  
[www.ofmdfmi.gov.uk](http://www.ofmdfmi.gov.uk)

**Ben Brown**  
**request-117194-**  
**e2c70284@whatdotheyknow.com**  
**and**  
**request-117341-**  
**6a9cb452@whatdotheyknow.com**

**Your Ref:**

**Our Ref:   FOI OFMDFM /  
              2012-0074**

**Date:        2 July 2012**

Dear Mr Brown

### **Freedom of Information Act 2000**

I refer to your email of 21 May 2012 which contained 20 requests for information and to your later email of 23 May 2012 which contained a further 11 requests.

I am writing to confirm that OFMDFM has now considered your requests and wishes to advise you that the information cannot be disclosed as it is being withheld under section 36(2)(c) of the Freedom of Information Act (prejudice to the effective conduct of public affairs).

Upon examination of your requests a common theme emerged - Assembly Questions. In applying the section 36(2)(c) exemption, we have had to balance the public interest in withholding this information against the public interest in disclosing it. The factors we considered when deciding where the public interest lay are explained below.

#### Arguments in favour of disclosing the information:

- There is a presumption of a general public interest in disclosure.
- Disclosure would provide information on issues raised, but not yet answered, in the Assembly.

#### Arguments in favour of withholding the information

- Release (under the FOI Act) of draft responses still to be cleared by Ministers would undermine the proceedings of the Assembly, and would therefore prejudice the effective conduct of public affairs.

- It would not be in the public interest to release unvalidated information, and in a manner which would circumvent conventional Assembly practices.

While disclosure of the information may inform the public about certain issues which have been raised in the Assembly, there is a particularly strong public interest in maintaining Assembly protocols. Release of this information under the FOI Act, particularly in its current draft form, would seriously undermine Assembly business, both in relation to the processing of questions raised by Members of the Legislative Assembly, and to the proceedings of the Assembly as a whole.

After weighing the various factors in favour of disclosing and withholding the information, on balance we believe that it is not in the public interest to disclose this information. It is therefore the decision of the Department that under section 36(2)(c) of the FOI Act, the arguments in favour of non-disclosure of this information outweigh the arguments in favour of disclosure.

If you are unhappy with the level of service you have received in relation to our handling of this request, you may ask for an internal review within two calendar months of the date of this letter. You should contact –

Director of HR and Corporate Services  
Room E4.20  
Castle Buildings  
Stormont Estate  
BELFAST  
BT4 3SR

Tel - 028 9052 0694  
Email - [foi@ofmdfmni.gov.uk](mailto:foi@ofmdfmni.gov.uk)

If you are not content with the outcome of the internal review, you then 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

The Information Commissioner will not investigate a complaint unless the internal review procedure outlined above has been completed.

Please contact me if you have any queries about this letter.

Yours sincerely,

**Karen Davidson**  
**Information Management and Central Advisory Branch**