



Department for the
Economy
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Date: 17th May 2018

Mr Gary Clarke
request-471730-266fdc12@whatdotheyknow.com

Dear Mr Clarke

FREEDOM OF INFORMATION REQUEST: DfE 2018-0043

Thank you for your request for information relating to FOI/EIR requests. The request was received on 16th March 2018 and the Department is dealing with it under the terms of the above legislation.

I am pleased to respond as follows:

- *The request and response to each the FOI/EIR requests listed in your email*

The text of each request and response to these FOI/EIR requests is attached at Annex A as requested. A number of attachments to these responses will be forwarded to you over a series of emails due to the large volume of information involved.

You will appreciate that personal data has been withheld under Section 40(2) of the FOI Act because disclosure would cause a breach of the first Data Protection principle, and may wish to note that Section 40(2) is an absolute exemption and as such does not require the completion of a public interest test.

- *An audit trail for each request confirming when a response was created, when this was passed to the Minister or SpAd for sign-off, any communication from the Minister or SpAd in relation to the outcomes, and the time of each response if this was outside normal office hours.*

Please see the information provided at Annex B.



I would be grateful if you would note that the date of creation shown in the last column is the date on which the draft response was first created by staff in the relevant Business Area in the appropriate FOI/EIR container held Department's Electronic Records Management System.

I would also be grateful if you would note that while some FOI/EIR responses may have been seen by the Department's Private Office, we do not hold any record of responses being passed directly to the Minister or SpAd.

I would also be grateful if you would note that a search of Departmental records has not established any communication from the Minister or SpAd in relation to the outcomes of these requests.

- *Any communications in relation to FOI or EIRs by the Minister or SpAd from 24th February until 3rd March 2017*

A search of Departmental records has established that communication from the Minister or SpAd is held but this is exempt from release under Section 35(1)(d) of the FOI Act which deals with the operation of the Ministerial Private Office.

This exemption is a 'qualified' exemption requiring us to consider the public interest for and against disclosure and 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 of the role of the Ministerial decision making process.

Arguments against disclosure:

- The Department must protect the private thinking space necessary to seek advice and discuss and debate issues surrounding Departmental policy and other matters, free from external scrutiny when required.
- 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 with the Department's Minister without external intrusion is essential to good public service.

In weighing up the arguments for and against disclosure, the public interest in being able to freely communicate with the Department's Minister and address various issues without constraint is considered to outweigh the public interest in the release of this information.



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

Yours sincerely

Rozzi Langford

Rozzi Langford
Information Management Unit

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

Some information supplied to you under the FOI Act may continue to be protected by copyright. You are free to use it for your own purposes, including private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK for the purposes of news reporting without requiring permission. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by government departments will be protected by Crown Copyright and most Crown Copyright information can be re-used under the Open Government Licence. Further details are available on the The National Archives website. Copyright in other documents may rest with a third party. For information about obtaining permission from a third party, see the Intellectual Property Office's website at www.ipo.gov.uk.

ⁱ Includes the cost of locating, retrieving and extracting the information

ⁱⁱ Disbursements may include costs of photocopying, printing, postage etc

