

EIR Request (received 16 May 2024) - Reference: DFI/2024-0208

Under the Freedom of Information act I would be grateful if you could forward me the following information:

- A copy of the business case prepared by your department for the creation of a pedestrian gate in the perimeter wall to allow access from the front of Crumlin Road Gaol to the car park at the front of A wing.

Response (issued 17 June 2024)

Thank you for your letter dated 16 May 2024 requesting information held by this office, under the Freedom of Information Act 2000 (FOI), relating to the pedestrian gate in the perimeter wall at the Crumlin Road Gaol. You requested the following:

A copy of the business case prepared by your department for the creation of a pedestrian gate in the perimeter wall to allow access from the front of Crumlin Road Gaol to the car park at the front of A Wing.

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/>.

In response to your request, I can confirm that the Department for Infrastructure does hold information related to your request. As EIR relates to public rights of access to information, I must consider whether information is suitable for release to the world at large, and not solely to the applicant. I have examined the information you requested and carried out a public interest test to determine whether this information is suitable for release to the public.

Following consideration of the public interest in this case, I have determined that the requested information is not suitable for release. The information constitutes commercially sensitive information which, being neither trivial nor in the public domain, meets the

Common Law's necessary quality of confidence. The information is being withheld from disclosure to protect the economic interests of both the Department and third parties.

Making the information available to the public would damage the Department's own legitimate economic interests. It would compromise future competitive tendering for these services and would prevent the Department achieving the best value for money for the public purse.

The information provided has therefore been withheld under the exception provided under EIR by Regulation 12(5)(e): confidentiality of commercial or industrial information. I am satisfied that the public interest is best served by withholding this information.

I appreciate that you will be disappointed with this response, but I hope that you will understand the reasons behind the Department's decision.

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