

FOI Request (received 25 January 2024) - Reference: DFI/2024-0040

We act on behalf of our Client, who has asked us to prepare a request for information under the Freedom of Information Act 2000, (“the FOI Act”) in relation to the “*MIB Untraced Drivers’ Agreement for Northern Ireland*” dated 13 December 2023 (“Untraced Drivers’ Agreement 2023”) and “*MIB Uninsured Drivers’ Agreement for Northern Ireland*” dated 13 December 2023 (“Uninsured Drivers’ Agreement 2023”) (together defined as “the Agreements”) drafted with the Department of Infrastructure (“the Department”). Pursuant to the FOI Act, we request that the Department furnish us with the following information:

1. Information confirming the reason, justification and use of the “Untraced Drivers’ Agreement” dated 1 June 2004 between the Department (formerly the Department of the Environment) outlined in the Untraced Drivers’ Agreement 2023.
2. Information confirming the reason, justification and use of the inclusion of the Agreement made on 1 August 2002 between the Department (formerly the Department of the Environment) outlined in the Uninsured Drivers’ Agreement 2023.
3. Copies of internal communications and interdepartmental communications relevant to the subject of possible agreements and/or treatment of uninsured/untraced vehicles and the EU Motor Insurance Directives, namely Directive 2009/103/EC.
4. Copies of any consultation processes and their results, to include notes on these consultation processes by the Department. To the extent no consultations took place, please provide documentation to explain why no consultation took place.
5. A statement of any findings on any material issues of fact made for the purposes of drafting and finalising the agreement. To the extent there are no statements of any findings or material issues, please provide documentation to explain why.

Response (issued 21 February 2024)

Thank you for your e-mail dated 25 January 2024 requesting, under the Freedom of Information Act 2000 (FOI), information in relation to the “*MIB Untraced Drivers’ Agreement for Northern Ireland*” dated 13 December 2023 and the “*MIB Uninsured Drivers’ Agreement for Northern Ireland*” dated 13 December 2023.

- 1) The “Untraced Drivers’ Agreement” dated 1 June 2004 is outlined in the Untraced Drivers’ Agreement 2023 to delineate the effective dates of each agreement.

- 2) The “Uninsured Drivers' Agreement” dated 1 August 2002 is outlined in the Uninsured Drivers' Agreement 2023 to delineate the effective dates of each agreement.
- 3) The Department can confirm that we hold information relevant to your request however, after careful consideration, we have determined that your request is subject to a Refusal Notice under section 12(1) of the FOI as the cost of complying would exceed the upper cost limit as set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

The Department have identified over 1,270 copies of communications which may be relevant to the requests which would need to be analysed to extract any relevant information. We estimate that this work would take approximately 210 hours to process, which exceeds the upper cost limit of 24 hours.

- 4) No public consultation process took place as there are no material changes to the overriding effects of the agreements.
- 5) There are no statements of any findings or material issues made for the purposes of drafting and finalising the agreement as there are no material changes to the overriding effects of the agreements.

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