



Derry City & Strabane
District Council

Comhairle
**Chathair Dhoire &
Cheantar an tSratha Báin**

Derry Cittie & Stràbane
Destrict Cooncil

Ref: FOI / 1180

24 April 2017

Mr

Email: foi@cytora.com

Dear Mr

Freedom of Information Act 2000 Request Food Enforcement

I refer to your FOI request as above and would advise that Derry City and Strabane District Council does hold the information you request and attach part information in response.

However, Section 30 of the Freedom of Information Act 2000 allows a public authority, such as Derry City and Strabane District Council to refuse to disclose information requested, if complying with the request would negatively impact on investigations.

Section 30 states:

30 –(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purpose of –

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained - (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of it,

(b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or

(c) any criminal proceedings which the authority has power to conduct.



Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
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BT82 8DY

+44 (0) 2871 253 253
info@derrystrabane.com
www.derrystrabane.com

 Derry City & Strabane District Council
 @dcsdcouncil

Where the Council decides that the information requested is exempt from disclosure under Section 30 of the Freedom of Information Act 2000, it must apply what is known as a public interest test. This requires the Council to decide, whether in all circumstances pertaining to the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. The arguments that were taken into account in favour of disclosure were:-

- Promote accountability and transparency in relation to the Council's decisions and its spending of public money;
- Assist the public to understand and challenge the Council's decisions;
- The specific circumstances of the case and the content of the information requested in relation to those circumstance;
- Whether any of the information was already in the public domain; and
- The impact of disclosure upon individuals and the wider public.

The arguments which were taken into account in favour of maintaining the exception were:

- The specific circumstances of the case and the content of the information requested in relation to those circumstances;
- The impact of disclosure upon individuals and the wider public; and
- The likelihood and severity of harm that disclosure might cause.
- The significance and sensitivity of the information.
- The likelihood that disclosure in such circumstances might deter witnesses to incidents coming forward

Having taken into account the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exception provided under Section 30 of the Act and by not disclosing the information requested.

I can also advise that information which you may find of relevance is reported directly to the Food Standards Authority through statutory return and Council has therefore has engaged s21 of the Freedom of Information Act as the information is reasonably accessible by other means. This is an absolute exemption and does not require a public interest test. This information can be accessed by other means at <https://www.food.gov.uk/enforcement/prosecutions>

If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes.

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Firstly our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel 028 71253253 or email john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

Yours sincerely

Head of Health & Community Wellbeing

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