



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cittie & Strabane
Destrick Council

Ref: FOI / 1945

13 August 2018

Mr

Email: @jpress.co.uk

Dear Mr

Freedom of Information Act 2000 Request Brandywell naming proposal

I refer to the above and can confirm that I have now completed the review of Council's decision not to release information to you which you had requested under the Freedom of Information Act 2000.

You had requested the following information:-

- 1: The number of respondents to the recent Brandywell renaming consultation.**
- 2: The number of respondents in favour of renaming the stadium the 'Ryan McBride Brandywell Stadium.'**
- 3: The number of respondents against the renaming.**
- 4: The number of alternative naming proposals.**
- 5: A list of alternative naming proposals.**

Council had responded to you on the 16th. July, 2018 and had stated that:-

"Council can advise that the requested information is currently not available. A report outlining details of the consultation will come before members of the Health and Community Committee in the autumn for consideration."

I must advise that having considered this matter I can confirm that Council does hold the information that you requested. I consider, however, that an exemption applies to this information. Section 22 of the Freedom of Information Act 2000 allows a body such as the Council to refuse to disclose information where it is intended for future publication. The guide to the Freedom of Information Act 2000 issued by the Information Commissioners Office states:-

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98 Strand Road
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C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

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info@derrystrabane.com
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@dcsdcouncil

Information is exempt if, at the time when the public authority receives a request for it:

- **the public authority holds the requested information;**
- **the public authority intends the information to be published at some future date, whether that date is determined or not; and**
- **in all the circumstances it is reasonable to withhold the information until its planned publication.**

In the current situation the Council holds the information which it intends to publish when the information is presented to the Council's Health and Communities committee in the autumn. Given the proximity of the publication date I believe it is reasonable to withhold publication.

Where the Council decides that the information requested is exempt from disclosure under section 22 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 exemption 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:-

- That it would allow for more informed debate on the issue;
- 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 exemption were:

- The specific circumstances of the case and the content of the information requested in relation to those circumstances;
- The timing of the request;
- The amount of information already in the public domain;
- The impact of disclosure upon individuals and the wider public; and
- The risk of inhibiting debate.
- The likelihood and severity of harm that disclosure might cause.
- The significance and sensitivity of the information.

Having taken into account the arguments for and against disclosure, the I have decided that the public interest in this case is best served by maintaining the exemption provided under section 22 of the Freedom of information Act and by not disclosing the information requested. In particular, in this case I consider it appropriate that this information be properly presented to the relevant Council committee and that disclosure in advance of the committee hearing would be contrary to proper procedure. The fact that the committee report will be presented in the autumn and that the information will therefore be in the public domain in the near future are factors to which I have given particular weight.

If you are not satisfied with this response you can appeal directly to:

Information Commissioner

Wycliffe House

Water Lane

Wilmslow

CHESHIRE SK9 5AF

Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

Yours sincerely

**On behalf of
Chief Executive**


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