



Derry City & Strabane  
District Council  
Comhairle  
Chathair Dhoire &  
Cheantar an tSrátha Báin  
Derry Cittie & Strabane  
Districk Cooncil

Ref: EIR / 1253

17 July 2017

Mr

Email: @dalradian.com

Dear Mr

**Environmental Information Regulations 2004 Request Appeal 1. Pollution Incidents Reported 2. Dalradian Gold**

In relation to your EIR appeal requesting an internal review to Council's response to your initial EIR request, I have reviewed all relevant paperwork associated with the request and subsequently attach notes of the telephone query kept by the Communication's team. In addition to this I have also attached a copy of the email sent by the Communications' team on the 23<sup>rd</sup> February 2017 and emails sent to NIEA and the Lough's Agency, redacted under regulation 13 of the EIR (Personal Information). This exemption means we are not we are not obliged to provide information that is the personal information of another person, if releasing it would contravene any of the provisions in the Data Protection Act 1998 (DPA). Section 40 (2) of the Act is engaged if the disclosure of personal data would contravene any of the data protection principles.

In this instance, I consider the first data protection principle which states that personal data shall be processed fairly and lawfully and; that it should not be processed unless one of the conditions in schedule 2 of the DPA is met, would be breached in disclosure of the information relating to personal information of third parties. This is because disclosure under the FOIA (which is considered disclosure to the world at large) would be beyond the reasonable expectations of the data subject.

It is a fact that the individuals concerned are "public employees" and while this is true, this does not mean that they do not have clear expectations of how Council treats their personal data in respect of the requirements of the DPA. The individuals concerned are not considered sufficiently senior that they would have an expectation

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that their names would be in the public domain. In general those individuals who are senior officers of Council have an expectation of a level of transparency around publication of their name and role. Junior officials (as in this case) do not have the same expectation of transparency.

I do not consider that disclosure of this information would be fair within the meaning of the data protection principles. In coming to this view, I have taken into account the following factors, as recommended by the ICO:

- whether disclosure would cause any unnecessary or unjustified damage or distress to the individual concerned;
- the individual's reasonable expectation of what would happen to the information;
- whether the legitimate interests of the public are sufficient to justify any negative impact to the rights and freedoms of the data subject.

I am satisfied that the individuals who could be identified through the release of this information have a reasonable expectation that their personal data would not be disclosed.

To conclude, I am satisfied that none of the conditions in schedule 2 of the DPA are met for disclosure of officer's names and therefore I consider that we are not obliged to provide the information requested. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

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](mailto:casework@ico.org.uk)

Yours sincerely

**Lead Assurance Officer**

**On behalf of**

**Chief Executive**

Encs



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