



Derry City & Strabane
District Council

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

Derry Cittie & Stràbane
Destrict Cooncil

Ref: EIR / 1253

12 June 2017

Mr

Email: @dalradian.com

Dear Mr

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

I refer to your EIR request as above and respond as follows:

- 1. Information documenting any reports to the Council of a major fish kill caused by pollution, reported to the Council in 2017;**
Response: On the 23rd February 2017 the Health and Community Wellbeing Service of Derry City and Strabane District Council received an email query from the Council's Corporate Communications team. The email referred to a telephone query received by them from a local newspaper. The query related to claims they were following up on concerns that a warehouse at Londonderry Port containing materials stored by the Canadian company carrying out gold digging in Tyrone, was closed the previous week following concerns that the material was causing pollution and contaminating local waters. The journalist claimed that their source indicated that the offending material had since been removed and that there were reports of fish floating dead in the river close by. The journalist wanted to know if Council were aware of the alleged incident and if so were they involved in any investigation.
- 2. Information documenting any reports to the Council of a major fish kill caused by pollution coming from a shed storing gold ore, reported to the Council in 2017;**
Response: Email from Council's Corporate Communications referred to above

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3. Information held in respect of Dalradian Gold.

The Health and Community Wellbeing Service and Planning Service of Derry City and Strabane District Council hold no information in relation to Dalradian Gold.

I can advise that the documentation referred to above is an internal email and as such is exempt under Regulation 12(4)(e) and Regulation

Regulation 12(4)(e) states:

12.—(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that— (e) the request involves the disclosure of internal communications.

Regulation 12(8) states: 12.—(8) For the purposes of paragraph (4)(e), internal communications includes communications between government departments.

As with all EIR exceptions, this is a qualified exception. Even if the exception is engaged, public authorities must go on to apply the public interest test set out in regulation 12(1)(b). The public interest means what is in the public interest, not what is of interest to the public and Council deems an internal communication between council sections to be of no relevance to the public interest.

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