



Derry City & Strabane
District Council

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

Derry Cittie & Stràbane
Destrict Cooncil

Ref: FOI / 1053

09 February 2017

Mr
Senior business reporter
Guardian News & Media

Email: @theguardian.com

Dear Mr

Freedom of Information Act 2000 Request Work Related Deaths

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

The Council has now completed a search of its records and confirms that it holds relevant recorded information which can be found attached.

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. The Guide to the Freedom of Information Act issued by the Information Commissioner, who is the regulator responsible for ensuring that public authorities comply with this legislation, advises that a request may be refused if it is information which the public authority holds for the purposes of investigations.

The Council has, therefore, decided to refuse your request relating to the name of the organisation that reported the death/or where the death occurred on the grounds that the information requested falls within this description and is exempt from disclosure under the exception to disclosure provided in Section 30 of the Freedom of Information Act 2000.

Derry

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

Strabane

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47 Derry Road
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BT82 8DY

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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, and in particular the fact that this is an ongoing investigation and the likelihood and severity of harm that disclosure might cause to any investigation, 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.

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

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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

Enc



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