

EIR DOF/2024-0321

Request

Under the Freedom of Information Act 2000 and Environmental Information Regulations 2004, I request the following information held by Land and Property Services (LPS) whilst engaged in the act of compensation activities in respect of claims arising from the A8 Road Scheme.

1. Please provide the total number of claims where Disturbance was paid for Residential Property only settled claims.
2. In respect of Residential Property only settled claims where Disturbance was paid, please provide a breakdown of all payments for periods in excess of 130 weeks detailing against each claim the number of weeks paid and the rate agreed for each.
3. In respect of all Residential Property only settled claims, please state the weekly rates of Disturbance paid.
4. In respect of Agricultural land only settled claims, please state,
 - a. the number of compensation claims paid using a weekly rate multiplied by number of weeks disturbed.
 - b. the number of compensation claims paid using an amount per acre, multiplied by the number of years or weeks disrupted.
5. If any formulas other than those stated at Question 4 above have been used to pay Disturbance please provide details of these formulas and the number of settled claims against each.

DoF Response

I can confirm the department holds information relevant to your request however some information has been withheld as it falls within exceptions in the Environmental information Regulations (EIR) further details are provided below.

The information on disturbance paid, is withheld under Regulations 12(3) & 13(1) of the Environmental Information Regulations (2004). Such disclosure would contravene the first principle of the Data Protection Act 2018, which requires that personal data must be processed lawfully, fairly and in a transparent manner. Disclosure would be unfair, because the individuals would not expect that this information would be made available to others.

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test, (which we are providing as a separate attachment –

Annex B), the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request of which the requester is not the data subject.

1. Please provide the total number of claims where Disturbance was paid for Residential Property only settled claims.

19 claims

2. In respect of Residential Property only settled claims where Disturbance was paid, please provide a breakdown of all payments for periods in excess of 130 weeks detailing against each claim the number of weeks paid and the rate agreed for each.

The information on disturbance paid, is withheld under Regulations 12(3) & 13(1) of the Environmental Information Regulations (2004).

3. In respect of all Residential Property only settled claims, please state the weekly rates of Disturbance paid.

The information on disturbance paid, is withheld under Regulations 12(3) & 13(1) of the Environmental Information Regulations (2004).

4. In respect of Agricultural land only settled claims, please state,

a. the number of compensation claims paid using a weekly rate multiplied by number of weeks disturbed.

4 claims

b. the number of compensation claims paid using an amount per acre, multiplied by the number of years or weeks disrupted.

7 claims

5. If any formulas other than those stated at Question 4 above have been used to pay Disturbance please provide details of these formulas and the number of settled claims against each.

No other formulas were used.

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of EIR exceptions 12(3) & 13(1)

DOF/2024-0321

A Lawfulness, Fairness and Transparency Test must be carried out by the Department of Finance when considering disclosure of third-party personal data which falls within the scope of an FOI or EIR request.

FOI / EIR request

Information held by Land and Property Services (LPS) whilst engaged in the act of compensation activities in respect of claims arising from the A8 Road Scheme.

Consideration of the personal data falling within the scope of the request

Guidance from the Information Commissioner's office states that personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

Description of personal data/issue(s) under consideration:

Disturbances paid relating to Question 2 and 3.

The small dataset relating to both these questions would result in the Financial Information of the claimants being easily connected to the individuals involved.

Lawfulness

Do either of the two lawful basis below, which allow for the disclosure of personal data, apply? **No**

- Consent:** This applies when the data subject(s) clear consent exists, allowing the department to disclose personal data falling within the scope of this request.
- Legitimate interests:** This applies when disclosure is necessary for the department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Conclusion

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test, the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request (of which the requester is not the data subject).