

11 July 2025

REFERENCE: FOI/25/33

Dear Sir,

Thank you for your request for information dated 3 March 2025. Please accept our sincere apologies for the lengthy delay in responding to your FOI request below:

**FOI original request: “Under FOI I wish to request all records from 1st July 2024 to 31 August 2024 in relation to uplift in PSNI revised environmental allowance”.
Subsequently revised under FOI Clarification: “Month of July and correspondence relating to business case to/from DoJ from /to Police service”.**

I wish to advise you that the information you have requested is covered by the following section of the Freedom of Information Act 2000:

- section 36(2)(b)(i) & (ii) would, or would be likely to, inhibit
 - (i) the free and frank provision of advice, or
 - (ii) the free and frank exchange of views for the purposes of deliberation, or
- section 36(2)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Qualified Exemptions

The exemption provisions of section 36(2)(b) & (c) confer a qualified exemption to our duty under section 1(1)(b) of the Act – to release the information requested. Information

covered by qualified exemptions can only be withheld where the public interest falls in favour of applying the exemptions.

We have provided details of our Public Interest Test considerations in Annex A to this letter. The DoJ has decided that, on balance, the public interest in withholding the information detailed above outweighs those considerations favouring the release of that information.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours faithfully

Records & Information Manager

DoJ - PUBLIC INTEREST TEST

36(2)(b) & (c) (Prejudice to effective conduct of public affairs)

In favour of release:

There is a general public interest in understanding how government operates, including how decisions are made and factors that influence them. Disclosure would promote transparency and accountability potentially increasing public confidence in the conduct of public affairs.

In favour of non-disclosure:

Section 36(2)(b)(i)(ii)

As the information in question relates to internal discussions and advice on a live issue, disclosure at this stage may inhibit the free and frank provision of advice and the exchange of views between officials and operational partners/stakeholders. There is a real risk that future engagement may become more restrained or cautious, which would diminish the quality of deliberations and adversely affect policy development.

In addition, disclosure may prejudice the effective conduct of public affairs by undermining working relationships and impacting negatively on the willingness of stakeholders to engage openly with the Department. This risk is heightened in the current financially constrained environment, where the ability to discuss complex or contentious issues in a safe and candid space is particularly important.

Section 36(2)(c)

Releasing the information at this stage may undermine the Department's ability to manage or negotiate similar policy matters in the future. Disclosure may inhibit candid engagement and policymaking across relevant business areas where related issues are under consideration.

There is also a broader context involving discussions with unions and other stakeholders across the Department of Justice, including areas such as employee relations and allowances. The issue has attracted recent ministerial correspondence

and NI Assembly interest. As such, the release of the information at this time could prejudice the effective conduct of public affairs, including future negotiations and stakeholder engagement.

Conclusion

On balance, the public interest favours withholding the information at this stage.