

**Annex C**

| <b>PUBLIC INTEREST TEST</b> |  |   |                |
|-----------------------------|--|---|----------------|
| Request Ref:                | DoF/2026-0234  |   |                |
| Request summary:            | Information on AP02/25 Towell House Appeal <ul style="list-style-type: none"> <li>• Any final review, assessment, recommendation, or summary report prepared at each stage of the appeal review process (3 level process)</li> <li>• Any final technical assessment or recommendation provided to the final decision-maker</li> <li>• Any recorded summary or report explaining the basis for the final decision, particularly in relation to: – Regulation 33               <ul style="list-style-type: none"> <li>– progressive horizontal evacuation</li> <li>– fire alarm strategy</li> <li>– and ARC / Fire &amp; Rescue Service connection considerations</li> </ul> </li> </ul> |   |                |
| Information details:        | Exemption applied  | Disclosure  | Non-disclosure |
|                             |  | (Please complete both columns to show all factors have been considered) |                |

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|  | <p>12(4)(d)<br/>12(4)(e)<br/>12(5)(d)</p> | <ul style="list-style-type: none"> <li>• To show compliance with the EIR regulations by disclosing information held by the Department as a Public Authority.</li> <li>• There is a general public interest in the accountability, openness and transparency of government, and to promote public understanding.</li> <li>• This decision relates to the safety of nursing home residents. Releasing these reports increases transparency around how and why standards were applied, reinforcing public confidence in decision-making.</li> <li>• Disclosure allows scrutiny of how officers reached their recommendations and whether the proper procedures, policies, and relevant standards were followed. Provision could help the public (and appellants) to assess whether the decision was justified and to demonstrate that the Department has not given undue weight to the District Councils in assessing the appeal.</li> </ul> | <ul style="list-style-type: none"> <li>• The Department's appeal process involves three levels (Levels 1, 2 and 3) of independent assessment by three different 'officers'. The reports produced at each level form part of a quasi-judicial process. These are confidential deliberative materials that result in a statutory decision. Disclosure would undermine the integrity of those proceedings, particularly where the decision of the Department on a point of law may be tested on appeal to the Court of Appeal.</li> <li>• Releasing individual reports could deter officers from providing candid and robust analysis, concerned that internal deliberations will routinely be disclosed. This would weaken the quality of future decision-making.</li> <li>• The reports produced at each stage are often evolving or provisional—especially where views may be reviewed by more senior officers. The reports are communicated internally to help establish the final decision letter. Disclosure of such material risks misrepresenting the Department's final position and undermining reliance on the formal decision notice as the definitive statement.</li> <li>• Article 17 of the Building Regulations (NI) Order 1979 provides a formal mechanism for appeal to the Department of Finance. Premature disclosure of internal assessments risks prejudicing that process.</li> </ul> |
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- Access to the reports will not necessarily help construction professionals and the wider public better understand how similar decisions may be made in future as the reports are specific to the building involved in the appeal. This could lead to confusion in other projects where different outcomes could arise.

**PUBLIC INTEREST DECISION:** While there is a public interest in transparency and accountability, this is outweighed by the need to protect the integrity of the Department's decision-making and appeal processes.

The information comprises reports forming part of a quasi-judicial process, engaging regulation 12(5)(d) of the Environmental Information Regulations 2004. Disclosure would undermine the confidentiality needed for full and frank deliberation and could prejudice any appeal to the Court of Appeal under Article 17 of the Building Regulations (NI) Order 1979.

In addition, much of the material is provisional, engaging regulation 12(4)(d) and 12(4)(e). Disclosure risks misrepresenting the Department's final position, which is set out in the letter of decision, and could create confusion or unfairness in the context of an appeal.

Accordingly, the public interest favours maintaining the exception.