

PUBLIC INTEREST TEST			
Request Ref:		DoF/2026-0485	
Request summary:		seeking disclosure of the following recorded information, or appropriately redacted extracts thereof, relating to the AP02/25 Towell House appeal assessment: • Item 1: The final recorded assessment, conclusion or recommendation produced at Level 1 of the appeal process. • Item 2: The final recorded assessment, conclusion or recommendation produced at Level 2, including any material change in conclusion or reasoning from Level 1. • Item 3: The final recorded assessment, conclusion or recommendation produced at Level 3, including any material change in reasoning or recommendation from the preceding stages. • Item 4: The final recorded technical reasoning supporting the Department's determination, particularly in relation to Regulation 33, progressive horizontal evacuation, the fire alarm strategy, and ARC / Fire & Rescue Service connection considerations.	
Information details:		Exemption applied	Disclosure Non-disclosure
		(Please complete both columns to show all factors have been considered)	

	12(4)(e) 12(5)(d)	• To show compliance with the EIR regulations by disclosing information held by the Department as a Public Authority. • There is a general public interest in the accountability, openness and transparency of government, and to promote public understanding. • 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. • 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.	• The Department's appeal process involves three levels (Levels 1, 2 and 3) of independent assessment by three different officers of increasing seniority. The reports produced at each level form part of a quasi-judicial process and are confidential deliberative materials that result in a statutory decision. Although the substantive issue has been reported as having been resolved with Belfast City Council and further Court of Appeal proceedings are, therefore, considered less likely, the underlying principle remains that disclosure of iterative internal appeal assessment reports would undermine the confidentiality and integrity of the Department's statutory decision-making process. • 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. • The reports produced at each stage are often evolving or provisional—especially where information develops and views may be reviewed by more senior officers, in informing 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. • Article 17 of the Building Regulations (NI) Order 1979 provides a formal mechanism for appeal to the Department of Finance. Even where a particular appeal issue has been resolved, there remains a public interest in preserving the confidentiality of the internal assessments that support that statutory appeal process. • 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. Interpreting decisions as applicable to other similar scenarios is inappropriate. 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, particularly where the information relates to the safety of the nursing home and residents, this is outweighed by the need to protect the integrity of the Department's decision-making and appeal processes.

The information comprises internal reports forming part of a quasi-judicial process, engaging regulation 12(5)(d) of the Environmental Information Regulations 2004. Although the substantive matter has now been settled and further Court of Appeal proceedings are considered unlikely, the principle of confidentiality remains important. Disclosure would undermine the protected space needed for full and frank deliberation within the Department's statutory appeal process under Article 17 of the Building Regulations (NI) Order 1979.

Regulation 12(4)(e) is also engaged as the reports and associated technical reasoning are internal communications and are part of the process of formulating the Department's final position. Disclosure would undermine the protected space needed for full and frank deliberation within the Department's statutory appeal process under Article 17 of the Building Regulations (NI) Order 1979.

Accordingly, the public interest favours maintaining the exception.