



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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Further to your information request FOI/EIR 22/23-230 please find your question and our response below.

Request:

Under the freedom of information act I would also like to see the nature of any complaint made (*about my address*). As before I therefore request a copy (with confidentiality compliance) to be issued.

Response:

As this is an open Planning Enforcement case, we cannot release any documentation, as to do so may hinder the progress of the case. Please see the Public Interest Test below for further explanation.

In respect of those requests that where answered in full or partially and the total refused please take this as notice under FOIA, that we:

- a) Consider the information as exempt from disclosure under the Act;
- b) Claim exception under sections of the Act:

Exception 12 (5) (b) Course of Justice

- c) State why the exception applies:

Exception 12 (5) (b) Course of Justice

Regulation 12(5) (b) provides an exception from the disclosure of environmental information which would adversely affect the course of justice. ICO Guidance explains that the course of justice is a broad concept and can include information relating to planning and associated enforcement. We note paragraph 39 of the ICO guidance which outlines the factors an authority should consider including:

- The stage or stages reached in any particular investigation or proceedings;
- Whether and to what extent the information has already been released into the public domain;
- The significance or sensitivity of the information;
- The age of the information.

Public Interest Test:

As this exception is qualified, we are obliged to outline the harm in disclosure and explain why we consider that the public interest in maintaining the exception outweighs the public interest in disclosure: Whilst we appreciate the benefits in transparency and that disclosure could improve public knowledge and debate on planning enforcement cases, the public interest in preserving the course of justice is paramount. Disclosure of the enforcement file would not only prejudice the ability to take effective action in this investigation, but would also undermine the Council's ability to take similar action in the future.

This concludes your request FOI/EIR 22/23-230

If information has been refused please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach foi@eastcambs.gov.uk and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.