

Environmental Information Regulations – Response - 27074

Re: 21 Thorn Walk, Sutton Heath IP12 3TU

Date: 19 November 2024

Fire Incident Number: 34984

we also now ask for all information held by Suffolk Fire & Rescue Service in accordance with our client's rights under The Freedom of Information Act. Such information must include any and all information held which relates (directly or indirectly) to the fire at 21 Thorn Walk, Sutton Heath, IP12 3TU, on 19 November 2024; in addition to any information relation to any incident(s) on the same date at 19 Thorn Walk, Sutton Heath, IP12 3TU (the neighbouring property).

All information released in response to a Freedom of Information Act 2000 (FOIA) or Environmental Information Regulation 2004 (EIR) request is deemed to be in the public domain. As such we must consider whether or not the requested information qualifies as personal information and should therefore not be released into the public domain.

The council has determined that information relating (directly or indirectly) to the fire at 21 Thorn Walk, Sutton Heath and 19 Thorn Walk, Sutton Heath, on 19th November 2024, constitutes personal information and is therefore exempt from disclosure under **section 40** of the FOIA and **regulation 13** of the EIR.

The Council considered the following, including the possible consequences of disclosure for the data subjects concerned and their reasonable expectations as to the use of their data:

- expectations of the individuals concerned about personal information being put into the public domain;
- reasonable expectations - the data subjects concerned would have a legitimate expectation of privacy concerning their personal information and would not have anticipated this being put into the public domain;
- whether or not the requested information could be anonymised; and
- balancing the individual's rights and the legitimate interests - In past cases the Information Commissioner has weighed the individual's rights to privacy against the public interest in disclosure. There is no presumption in favour of releasing personal data.

This is an absolute exemption, which means that if the condition is satisfied there is no additional public interest test to consider.

In assessing fairness, the Council considered the likely consequences of disclosure of the requested information. Personal information should not be used in ways that have unjustified adverse effects on the individuals concerned. The council also considered whether such disclosure would be within the reasonable expectations of the individuals, given that any response to a request under the FOIA or EIR is deemed to be in the public domain. The council believes that in this instance it is not fair to disclose personal data and is therefore withholding the requested information under section 40 of the FOIA and regulation 13 of the EIR.