

Please note, due to the size and number of attachments included, this is a partial response. To see the full version, please do not hesitate to contact the FOI team at : FOI@suffolk.gov.uk



Environmental Information Regulations – Response - 27085

Vehicle Damage Claim – Windmill Hill / Chapel Street Exning – 7 February 2026

I am writing in relation to the incident for which I am considering submitting a highway damage claim. Before I determine whether to proceed, I must request full disclosure of all relevant information held by Suffolk Highways regarding the location and defect in question.

Your published criteria require highly specific evidence, detailed measurements, precise location data, photographic documentation and extensive supporting records. You also make clear that claims are only successful in a small minority of cases, and that the council may rely on legal defences that could result in a claim being declined. In addition, your documentation refers to the potential for investigation and recovery of costs in the event that a claim is deemed unfounded.

Given the strict evidential thresholds and the risk exposure placed on the claimant, it is essential that I have access to all relevant information that you already hold, so that I can make an informed and proportionate decision about whether to proceed.

To that end, please provide the following:

1. Inspection and Maintenance History

o The full inspection record for the location, including dates, times, outcomes and any defects recorded, for clarity this is the stretch of Windmill Hill between Exning and the bridge out towards Ben Burgess, and the length of chapel street outside of the wheatsheaf pub.

o The date you first became aware of any defect at this location, whether via inspection or public report.

o The repair priority or timescale assigned once the defect was identified.

o Confirmation of whether your inspections and maintenance activity complied with your Highway Maintenance Operational Plan (HMOP).

As per file named '27085_Report.pdf'

NB: Details of maintenance policy and frequency of inspection can be found at <https://www.suffolk.gov.uk/roads-and-transport/highway-maintenance/highway-asset-management/highway-maintenance-operational-plan>

Windmill Hill and Chapel Street are classified as a Type 4a carriageway as per HMOP section 4.

2. Hazard Categorisation and Criteria

o The hazardous defect criteria (depth, width, length) applicable to this road category.

o Confirmation of whether the defect associated with my incident was recorded as hazardous or non hazardous.

o Details of any repairs carried out after the incident, including the dates, times and work order notes.

As per file named '27085_Report.pdf'

3. Compliance with the Highways Act 1980

o Evidence demonstrating compliance with Section 41 (duty to maintain).
o If you intend to rely on a Section 58 defence, please provide the documentation supporting this position, including maintenance schedules and inspection regimes.
This is not recorded information held by Suffolk County Council.

4. Assessment Process and Evidential Standards

o Clarification of the evidence you consider sufficient for a claim to succeed.

This is not recorded information held by Suffolk County Council: there is no set 'evidence' that there is sufficient for a claim to succeed; this varies from claim to claim.

o Examples of evidence previously accepted in similar claims.

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 examples of evidence previously accepted constitutes personal information of the claimant 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.

Redacted Information

Personal data is exempt from disclosure under section 40 of the FOIA and regulation 13 of the EIR – please see the above notes.