

Environmental Information Regulations – Response - 27762

Our ref: 14944

Highways ref: CR54968

Incident date: 22/01/26

Location: B1068 Park Road, Stoke by Nayland

(1) How many claims for damage caused by this pothole did the Council receive for the period 16th January (when you state it was first reported) to 22nd January 2026.

Two claims have been received regarding incidents occurring between 16 and 22 January.

(2) How many claims for this pothole for the period mentioned above did the Council reimburse?

Nil

(3) You say this pothole was reported first on the 16 January. Did this report come from the Parish Council?

The report received on 16 January at 12:10pm is from an individual without mention of a parish council. The details of the reporter cannot be shared. Please see the following explanation:

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 this is 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.