

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0884 - Inspection Report -Justice Port  
**Date:** 11 July 2017 13:26:48  
**Attachments:** [EIR\\_17\\_0884\\_JusticePortOrders\\_Redacted.pdf](#)  
[EIR-17-0884 - Justice Port Photographs.pdf](#)  
[Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Follow up request to EIR-16-1550.

Thank you for your information request of 20 June 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**We note from a previous FOI request of ours (your ref: EIR-16-1550), that your housing department are responsible for the repair and maintenance of the paved areas within the boundaries of the Justice Port residential building. We received a document from you which outlined the different jobs reported to your housing department, a copy of which is attached. We have noted two jobs (highlighted in green on the enclosed copy) regarding the paving slabs being defective. The respective job numbers are: 3696210 (received on 5th August 2016); and 3706606 (received on 8<sup>th</sup> August 2016).**

**We would be grateful if you could provide:**

**1. Confirmation of when these reports were received and whether it was from a member of the public, or a Council employee;**

Order 3696510 was raised at the Contact Centre on 5 August 2016. There is no record of who reported the fault. Therefore, ACC is unable to provide you with this information as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it.

ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

Order 3706606 was raised at the Contact Centre on 8 August 2016. This report appears to have been made by a Roads Inspector.

**2. Records of any inspections carried out in response to these reports and what was noted;**

Call centre raised work orders so there was no inspection. Tradesmen were the first officers to attend.

**3. Records of any repairs carried out including details of what was done and when;**

No description of work other than that which appears on the actual orders. Slabs were believed to be uneven.

#### **4. Records of any post-repair inspections which were carried out;**

Post inspection carried out on order 3696510. Sheet attached.

Please note that some names and personal details have been redacted from the attached report. This is because ACC considers that this information is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby give notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with 11(3)(a)(i) of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, and the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as ACC considers that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). Third parties within the attached documents would not expect ACC to release this information about them into the public domain under the EIRs (or the Freedom of Information (Scotland) Act 2002 (FOISA)).

#### **5. Photographs of the defects**

Photographs attached for a different paving repair at Justice Port. I would however stress this does not relate to the two orders being questioned .

#### **6. Confirmation as to whether or not a road inspector has a duty to report defects found during an inspection but the repair of which are the responsibility of another department.**

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The Roads Inspectors for Aberdeen City Council have an obligation to carry out inspections of Roads, Footways and other inspection items that are adopted by Aberdeen City Council Roads in terms of the Roads (Scotland) Act 1984. They are under no obligation to carry out inspections of areas maintained by other services within the council. Any enquiry or claim raised to Roads Services regarding a defect in an area maintained by another service will be passed to the service or the enquirer advised on who they should contact for further assistance.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

#### **INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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\*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan. Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

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