REFERENCE

2627242

RELEASE DATE

2 September 2026

SUBJECT

Request for a list of all the FOIs/EIRs sent to NI Water. It would be really helpful to have a spreadsheet with dates of the FOIs/EIRs, request detail and outcome, if possible. Going back to 2005.

RESPONSE

NI Water holds records relating to FOIA and EIR requests processed from February 2012 onwards. It does not hold equivalent records for the period from 2005 to January 2012. Therefore, in relation to those request records, NI Water's searches identified no equivalent records for the period from 2005 to January 2012. On the information available, NI Water does not hold the requested information for that period. Regulation 12(4)(a) of the EIR applies and is more fully detailed later in this letter.

For the period from February 2012 to March 2015, the relevant information is not maintained in a separate disclosure log, spreadsheet or other searchable summary. It is held only within 1,240 individual case files covering FOIA, EIR and data protection matters. Providing the requested dates, request details and outcomes would require NI Water to identify the relevant FOIA and EIR case files individually, determine which files contain information within scope, and locate, retrieve and extract that information. For the purposes of the FOIA section 12 estimate, NI Water has included only the activities permitted by the applicable fees regulations. It has not included the additional time that may be required to consider exemptions or undertake redaction.

NI Water has considered separately under the EIR the overall burden associated with identifying, extracting and reviewing environmental information, including the need to consider whether any information engages an EIR exception.

The fact that the information is not already contained in a single spreadsheet does not, by itself, mean that the recorded information is not held. NI Water is therefore

not relying on section 1(1)(a) of FOIA or Regulation 12(4)(a) of the EIR in relation to the information held from February 2012 to March 2015.

NI Water has reviewed the available Information Access Request Tracker workbooks for the financial years 2015/16 to 2026/27. To provide useful historical information while protecting personal and confidential information contained in the underlying trackers, NI Water has prepared the attached AI Generated Summary. The summary analyses 5,548 distinct request references and provides aggregated information about request types, broad requester types and broad subject areas. The figures for 2026/27 are year to date and cover requests received up to 30 August 2026.

The attached AI Generated Summary provides the available historical information in an aggregated form designed to reduce the risk of identifying individuals or small groups. The underlying trackers contain personal and other information that would require individual assessment before any disclosure. This includes names, contact details, case references, exact correspondence dates and individual request descriptions. The summary excludes those details and combines or suppresses categories containing fewer than five records to reduce the risk of identifying individuals or small groups.

The summary does not reproduce a case-by-case list of requests, their precise wording or individual outcomes. Instead, it provides the historical information at an aggregated level and explains the methodology, privacy controls, data quality limitations and quality assurance checks applied. Topics were assigned solely from the subject recorded in each tracker, and no requester category was inferred from a person’s name, address, organisation or request wording.

Since 2024, NI Water has also published an Information Request Disclosure Log. This contains information suitable for publication and is available through the link below.

https://www.niwater.com/about-us/publication-scheme/lists-and-registers/information-request-disclosure

The attached summary should be read subject to its stated limitations. Tracker structures and labels changed over time, some request type entries could not be classified reliably, and combined statutory labels were recorded in some years. The summary therefore reports changes descriptively and does not infer the reasons for any increase or decrease in request numbers.

For the purpose of responding, NI Water has interpreted ‘request details’ as including the recorded description of the subject matter of each request and ‘outcome’ as including the recorded disposition of the request, where that information is held. Some tracker entries also contain names, contact details, case references, exact correspondence dates and request descriptions that may identify individuals or disclose other protected information. NI Water has therefore considered separately what information falls within the scope of the request, what information can be disclosed and whether any statutory exemption or exception applies to information withheld.

You indicated that a spreadsheet would be helpful if possible. NI Water has treated this as a preference concerning the form in which any information is communicated and has considered whether the information could reasonably be provided in that format. Without prejudice to the statutory position set out below, NI Water has prepared and provided the attached AI Generated Summary as a voluntary partial disclosure. It contains aggregated historical analysis derived from the available trackers. It does not replace NI Water’s obligation to determine whether the underlying recorded information falls to be disclosed under FOIA or the EIR.

In relation to the period from 2005 to January 2012, NI Water does not hold the requested information. Under section 1(1)(a) of FOIA, NI Water confirms that it does not hold the requested non-environmental information for that period.

To the extent that the information for that period would be environmental information, Regulation 12(4)(a) of the EIR applies because NI Water did not hold that information when your request was received.

NI Water recognises the public interest in transparency concerning the information requests it receives and how those requests are handled. However, NI Water cannot make available information that it does not hold. In relation to the environmental information for the period from 2005 to January 2012, NI Water considers that the public interest in maintaining regulation 12(4)(a) outweighs the public interest in disclosure.

NI Water has considered the work required to provide the requested information for the period from February 2012 to March 2015. As there is no spreadsheet, disclosure log or other searchable summary for this period, compliance would require a manual review of the 1,240 individual case files. NI Water considers that the time and cost required to identify, locate, retrieve and extract the relevant information would be disproportionate.

To the extent that the records contain non-environmental information, NI Water is relying on Section 12 of FOIA because it estimates that the cost of complying with this part of the request would exceed the appropriate limit. Section 12 permits a public authority to refuse a request where its reasonable estimate of the cost of compliance exceeds that limit. The cost estimate may include the work required to determine whether information is held and to locate, retrieve and extract it. This accords with guidance published by the Information Commissioner's Office.

https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-12-requests-where-the-cost-of-compliance-exceeds-the-appropriate-limit/

To test the likely time required, NI Water reviewed a representative sample of the relevant case files and recorded the time required to open each file, establish the statutory regime, identify the requested fields and extract the relevant recorded information. That exercise produced an average of approximately two minutes per file. Applying that average to the 1,240 files gives an estimated total of 41 hours and 20 minutes.

Applying the statutory rate of £25 per hour, regardless of the grade of the staff undertaking the work, produces an estimated cost of £1,033.33. This exceeds the appropriate limit of £450. The two-minute timeframe does not account for any time needed to extract any sensitive information from the request details.

To the extent that the records contain environmental information, NI Water considers that Regulation 12(4)(b) of the EIR applies because undertaking the same manual exercise would impose a clearly excessive and disproportionate burden. There is no fixed statutory cost limit under the EIR. NI Water has therefore considered the scale of the work required, the absence of any searchable summary, the need for individual file review and the resulting diversion of resources. The Information Commissioner's Office states that the relevant question is whether compliance is likely to cause a disproportionate cost or burden and that the unreasonableness must be obvious or clear.

https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/regulation-12-4-b-manifestly-unreasonable-requests/

NI Water recognises the public interest in transparency about the information requests it has received and their outcomes. Disclosure could assist public understanding of the volume and nature of historical requests and how they were handled. Against disclosure, NI Water has considered the substantial manual exercise required to reconstruct information that is not held in a reportable form, the need for a case-by-case assessment of information that may engage personal information or other statutory protections, and the diversion of finite resources from other statutory functions and information rights requests.

NI Water has applied the presumption in favour of disclosure under the EIR. In the circumstances, it considers that the public interest in maintaining the exception under Regulation 12(4)(b) outweighs the public interest in disclosure for the period from February 2012 to March 2015.

NI Water has considered whether the request could be refined so that responsive information could be provided within the applicable cost limit and without imposing a

manifestly unreasonable burden. Narrowing only the requested fields or changing the preferred format would not avoid the need to identify and examine individual files. However, a materially shorter period, or a request limited to a defined category of request, may reduce the number of files requiring examination. NI Water would be willing to assist you in identifying a narrower request, although it cannot guarantee that every possible refinement would fall within the applicable cost or burden threshold.

NI Water has instead provided the attached AI Generated Summary for the period covered by the available tracker workbooks. This provides useful historical information in an aggregated form without requiring the disproportionate manual review described above.