**Freedom of Information Act / Environmental Information Regulations Request**

Reference: ECC16617718 04 24
Response: 19 April 2024

I can confirm that Essex County Council does hold this information, and where we are able to release this, our response is listed below.

**Question 1 -** I am instructed on behalf of British Telecommunications plc in connection with a damage claim being brought against our client.

To assist me with my investigations, and in accordance with the Freedom of Information Act 2000, I require copies of the inspection records together with all opening/closing notices, defect notices and records of complaints for 24 months prior to 17 June 2023. Please also provide a copy of the first inspection after 17 June 2023.

The location for the required information is Noak Bridge Play Park and Green. If this area is not within your remit, or inspections are carried out by another someone other than the Local Authority please confirm who we should write to.

Please see the attached site history report, which includes defects identified during inspections and their associated risk assessment details, customer service enquiries as well as the maintenance history.

As shown on the site history report annually walked safety inspections are carried out, these are in accordance with **Highway Maintenance Policy and General Principles** and our **Maintenance & Inspections Strategies** which are publicly available online [www.essexhighways.org/roads-strategies#maintenance](http://www.essexhighways.org/roads-strategies#maintenance).

Please see page 9 of the **Maintenance & Inspections: Carriageways, Footways and Cycleways** document that is publicly available online [www.essexhighways.org/roads-strategies#maintenance](http://www.essexhighways.org/roads-strategies#maintenance).

Our current **Highway Maintenance Policy and General Principles** and our **Maintenance & Inspections Strategies** are publicly available online [www.essexhighways.org/roads-strategies.aspx#maintenance](http://www.essexhighways.org/roads-strategies.aspx#maintenance).

Details of how inspectors risk assess and prioritise highway issues can also be found on our public web site at [www.essexhighways.org/how-we-prioritise-highway-issues](http://www.essexhighways.org/how-we-prioritise-highway-issues).

You will notice that some information has been withheld (redacted) this is due to an exception in the Environmental Information Regulations.

The exception applicable to the information is:

**EIR Regulation 12(3) & Regulation 13** - Personal data of third parties is exempt if disclosure would breach the principles of the Data Protection Act 2018. We believe that providing you with the information would breach the following Data Protection principles:

* Data shall be fairly, lawfully and transparently processed
* Data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes

We are applying this exemption because

1. we do not have the consent of the person who is the subject of the information to disclose it to you,
2. disclosure does not meet any of the Article 6 or 9 conditions that would make it “necessary”, and
3. disclosure of the information to you would not be connected to the purpose for which we have collected and are holding the information.

We further believe that the release of the requested information would cause unwarranted interference to the rights and freedoms and legitimate interests of the data subject(s). Such a disclosure would in our view constitute a breach of Article 8 in the Human Rights Act (the right to privacy and family life).

**Your Right to Know**

Democracy and Transparency

Essex County Council

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