



guardians of drinking water quality

**DRINKING WATER INSPECTORATE**

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Defra ref: RFI 7814  
DWI Ref: 2015/0791E

29 October 2015

Dear [REDACTED],

**REQUEST FOR INFORMATION: UNITED UTILITIES CRYPTOSPORIDIUM OUTBREAK**

Thank you for your request for information, which we (the Drinking water Inspectorate (DWI)) received on 24 September 2015, about the Franklaw Water Treatment Works (WTW) in Lancashire. As you know, we have handled your request under the Environmental Information Regulations 2004.

You stated that your request relates to the recent *Cryptosporidium* outbreak in Lancashire, complaints received about water quality, information on the assessment of water quality issues, information on the assessment of sampling programmes and information on incidents associated with Franklaw WTW.

The information that we are able to disclose to you in response to parts 1, 2, 3 and 5 of your request is below followed by an explanation of why we are withholding the information that you have requested at part 4 of your request.

1. *How many complaints have been received by the DWI about water quality issues in the area served by the Franklaw WTW in Lancashire in the 12 months before 6 August 2015 Please state where complaints came from?*

From 6 August 2014 – 5 August 2015, DWI received two complaints relating to water quality issues in the Area supplied by Franklaw WTW. The complaints were from residents of Thornton Cleverleys and Blackpool.

2. *How many complaints have been received by the DWI about water quality issues in the area served by the Franklaw WTW in Lancashire from 6 August 2015 to the present day? Please state where they came from?*

From 6 August 2015 to 20 October 2015, the DWI received one complaint about drinking water quality from a resident in the town of Wallasey.

3. *A copy of the two most recent reports by DWI detailing assessment of water company sampling programmes relating to the Franklaw WTW in Lancashire.*

DWI does not produce reports on water company sampling so this information is not held. Water companies produce reports in response to issues with sampling. The DWI's role is to assess the company's report and make a decision on whether any further action is required. The information is exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received.

Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the Information Commissioner's view, Defra has not conducted a public interest test in this case.

4. *A copy of all reports into any DWI assessment of incidents, within the last five years, that potentially affected drinking water quality related to the Franklaw WTW in Lancashire.*

With the exception of investigation into the event that occurred in August 2015, which is still ongoing, there were no incidents reported to the DWI relating to Franklaw WTW within the last five years.

Information generated in response to the current investigation is being withheld under the exception to disclosure at regulation 12(5)(b) of the EIRs, which relates to the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature. We recognise that there is a public interest in disclosure of information concerning the incident that arose in August 2015 and the DWI investigation, its findings and conclusions, in that a large number of people were caused inconvenience. Equally, the public have a reasonable expectation that the water company manages water supplies competently and are appropriately held to account by the Drinking Water Inspectorate.

On the other hand, there is a strong public interest in withholding the information because the investigation is ongoing. Release of interim findings before all information necessary for an investigation is gathered risks the ability of the DWI to conduct its investigation fairly and for those providing information to do so free from any influence. Release of information into the public domain prior to the conclusion of the investigation would impact the DWI's ability to conduct an investigation where an option available is criminal charges, and justice delivered through the court process. It would undermine our ability to

ensure confidentiality to those coming forward to provide witness statements. If potential witnesses saw evidence released outside the court process it would likely prejudice their willingness to participate in the investigation and damage the ability of the DWI to bring a case to court. This would not be in the public interest. Therefore, we have concluded that, in all the circumstances of the case, the information relating to this specific question should be withheld.

5. *A copy of any assessment report carried out by the DWI team into Franklaw WTW over the last five years.*

Reports produced by the DWI relate to findings arising from the investigations into events and technical audits carried out. Franklaw WTW did not have any incidents or technical audits to report on in the period specified in this part of your request so these data is not held.

Information disclosed in response to EIRs requests is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely



DWI FOIA and EIRs Team

## Annex A

### Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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## Annex B

### Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [InformationRequests@defra.gsi.gov.uk](mailto:InformationRequests@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF