

## APPENDIX B - LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/24-125

Environmental Information Regulations 2004

**Request Details: *Notes or minutes of any relevant meetings where DAERA/NEIA's approach to enforcing the NAPR has been discussed***

**Brief description of the Personal Data falling within the scope of the request**

The meeting minutes identifies staff names.

### LAWFULNESS

**Please identify the lawful basis for processing**

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful basis for processing are set out in Article 6 of the GDPR and the ICO expects at least one of two lawful bases (Consent / Legitimate Interest) to apply before the personal data held can be disclosed.

- Consent:** The data subjects clear consent does not exist.
- Legitimate interests:** the processing is necessary for the Department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

### Consideration of Legitimate Interests

#### 1. PURPOSE

As the disclosure of personal data under FOIA or EIR is a disclosure to the world at large, doing so on the strength of a requester's private interests alone could constitute a disproportionate and unwarranted level of interference with the data subject(s) rights and freedoms, particularly their right to privacy and family life under the Human Rights Act 1998.

#### 2. NECESSITY

The right of access under FOI or EIR does not in itself constitute a **pressing social need**.

The Department has considered and not identified any such need for the data subject's right to privacy to be interfered with.

### CONCLUSION

Having considered all of the information contained within this test, the Department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request.

████████████████████

████████████████████████████████████████

████████████████████████████████