

Public Interest Test – EIR

Reference Number – DAERA/24-205

Requested Information

Information relating to Chambers Lagoons at Drumahoe

- 1. A copy of the final report be provided**
- 2. A copy of enforcement notices served by NIEA**

Exception under consideration

Regulation 12(5)(e) states a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Reasons why the public interest would favour disclosure:

- Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure;
- DAERA is committed to conducting its business in a manner that is as open and transparent as possible;
- There is wide public interest in matters concerning the environment.

Reasons why the public interest would favour withholding:

- The requested information is not in the public domain.
- The report contains sections on site description and photos of operational premises
- Disclosure would reveal operational activities/technical drawings, working practices and techniques carried on the site and would put W&J Chambers at a disadvantage to its competitors because they would have knowledge on how it operates its business.

Conclusion

Following consideration of the Public Interest Test the Department has decided to withhold this information under EIR exception regulation 12(5)(e) which states a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information.

On review of ICO guidance and documentation provided by W & J Chambers NIEA have determined that all four elements have been passed and have determined that sections of the Technical Site Investigation report and Water Order Notices issued to W&J Chambers to be “commercially sensitive”.

The four elements passed are:

- The information is commercial or industrial in nature.
- Confidentiality is provided by law.

- The confidentiality is protecting a legitimate economic interest.
- The confidentiality would be adversely affected by disclosure.

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