

# **Public Interest Test – EIR**

**Reference Number – DAERA/24-325**

## **Requested Information**

Photographs, reports, findings and other documentation relevant to issues with untreated sewage at Mulnafye Road, Omagh Co. Down

## **Exemption / Exception under consideration**

- internal communications: paragraph 12 (4) (e)
- ongoing investigations under 12(5)(b)

## **Reasons why the public interest would favour disclosure:**

- The public have a legitimate right to access to information held by Government Departments which may relate to them or their property.
- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.

## **Reasons why the public interest would favour withholding:**

Internal communications: paragraph 12 (4) (e)

- Internal communications between officials are necessarily candid and open. There is a recognised need to protect between officials intended to provide background and context to decision making and correspondence.
- The Department should be afforded a safe space to develop ideas, debate live issues and reach decisions away from external interference and distraction. Disclosure of these internal communications may inhibit this.

The course of justice and inquiries; paragraph 12 (5) (b)

- Complaints about or reports of pollution, when substantiated, may form part of legal cases. Disclosure would adversely affect the ability of the Department to conduct an inquiry, which results in legal or enforcement action.
- The Department should consider the need to protect information acquired during investigations, which may form part of any case, when an investigation is still open or ongoing as is it is in this instance.

## **Conclusion**

Following consideration of the Public Interest Test the Department has decided that the identified information should be withheld on the basis that the grounds for disclosure do not outweigh those for withholding the information which falls within the scope of the identified exemption.

## **WATER REGULATION**