

Public Interest Test – EIR

Reference Number – DAERA/26-21

Requested Information

I would like to request an update of this data (21 September 2023 - 13 January 2026)

All enforcement actions undertaken by your agency from 21 September 2023, including name of the company, date, the value of any penalties issued and a brief description of the offence

Exemption / Exception under consideration

Environmental Information Regulations 2004- Regulation 12 (5)(e) – adversely affect the confidentiality of commercial or industrial information.

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.

Reasons why the public interest would favour withholding:

This information relates to individual Companies and as such could be used to ascertain the extent to which enforcement action has been carried out. The payment of a fixed penalty in these cases gives the companies the opportunity of discharging the legislative breach without formal prosecution through the courts. This is a proportionate approach in line with the Departments Enforcement policy. This information could be used to give a commercial advantage to a competitor to the companies involved.

Therefore, to release this information would cause a substantial prejudice to the commercial undertaking and economic interest to the companies, which impacts on the public interest of the wider economy.

The Department, having previously consulted with such Companies (e.g. authorised waste operators) and has prior knowledge of their position which is that they consider giving out such detailed information as commercially sensitive as if the information were released it would provide a competitor with an unfair advantage.

Conclusion

In considering the Public Interest Test in relation to the use of this exception we recognise that Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and to be as open and transparent as possible. However, withholding the information under Regulation 12(5)(e) allows the companies to operate in a fair market without unfair advantage being given to competitors therefore the public interest in favour of disclosure is outweighed by that in favour of withholding.

A handwritten signature in black ink on a light grey background. The signature is cursive and appears to read 'Louise O'Melvena'.

Louise O'Melvena
Head of Operations
Environmental Crime Unit