

Public Interest Test – FOI

Reference Number – DAERA/26-10

Requested Information

- Further insight into how NIEA classifies environmental incidents.
- If the NIEA Water Pollution Incident Categories have been updated since 2011

Exemptions under consideration

Section 30(1) – Investigations and Proceedings.

Sections 31(1)(a) and 31(1)(c) – Law Enforcement.

Section 22(1) – Information Held with a View to its Future Publication.

Reasons why the public interest would favour disclosure:

- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.
- Release of the information would demonstrate openness and transparency regarding the NIEA Water Pollution Incident Severity Classification System in use.

Reasons why the public interest would favour withholding:

- Protection of effective investigations and prosecutions.
- Protection of confidential sources.
- Further incidents that attract enforcement action or prosecution may occur and information gathered using the classification system may potentially be incorporated into an impending investigation.
- The document attached as Annex A includes a wide variety of activities which can be regarded as in aid of or related to the enforcement of criminal law.
- The request is for material which is still in the course of completion.
- Due to ongoing review of the classification system, the information requested is incomplete/unfinished and disclosure would result in the release of incomplete information.

Conclusion

Following consideration of the Public Interest Test the Department has decided to partially release information from the Environmental Crime Unit business area due to the impact it may have on future criminal investigations. The Department has also decided to withhold information held by the CDP team and WPRET as it would not provide a complete and accurate record of the respective classification systems. Therefore, the public interest in non-disclosure of the information outweighs the public interest in disclosure.

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