

Northern Ireland Environment Agency
Resource Efficiency Division



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

Our reference: **DAERA/24-240**

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11 June 2024

Dear [REDACTED]

Environmental Information Regulations 2004

I refer to your request for information received by the Department on 16 May 2024 that sought the following information:

Quarterly Waste Returns relating to authorisations WML 22/59 LN/13/35/V2 covering October 2023 to April 2024 and P0418/13A & LN/17/16 both covering January 2024 to April 2024.

Under Regulation 12(4)(a) the Department is excepted from the duty to disclose the information on the grounds that the information sought is not held.

We have however supplied information for the above authorised sites covering the periods October 2023 to March 2024 and January 2024 to March 2024 respectively – see separate Appendix 1 (attached).

Some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department considers Regulations 12(3) 13(1) of the EIR to be engaged and is required to consider if disclosure would breach the first Data Protection Principle, which states that processing must be lawful, fair and transparent.

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The Department has considered this element within the Lawfulness test attached at Annex 1 and has determined that no lawful basis for disclosure under EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the “world at large” and not just to you, the requester. Consequently, third party personal data falling within the scope of this request has been withheld.

Instances where the information supplied in Appendix 1 (attached) has been withheld, as described above, are denoted by purple highlighting.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department’s decision.

Yours sincerely,

[Redacted signature]

[Redacted name]
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ANNEX 1 - LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/24-240 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

Quarterly Waste Returns for three specified authorised sites over two specified quarters

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

Names and phone numbers of ReGen employees.

LAWFULNESS

Please identify the lawful bases for processing:

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

The lawful bases 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. This will apply when the data subject(s) clear consent exists that allows you to disclose the personal data falling within the scope of this request.

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, no lawful basis exists for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

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