

Public Interest Test –EIR

Reference Number – DAERA/26-149

Requested Information

- **Water Pollution Incident Enquiry - 227 Battleford Road, Benburb BT71 7NN – Information held relating to NIEA Incidents WR 7/23/0016, WR 7/24/0089, WR 7/24/0104, WR 7/24/0140 and WR 7/24/0153.**

Exception under consideration

Regulation 12(5)(b) – The course of justice and inquiries exception

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.
- Regulation 12(2) requires that when a public authority considers refusing a request for environmental information it must apply a presumption in favour of disclosure.

Reasons why the public interest would favour withholding:

- The requested information is for details of incidents involving actions being taken in line with the DAERA enforcement process that are current and ongoing.
- These incidents are being treated as if sub judice so as not to influence due process.

Conclusion

Following consideration of the Public Interest Test, the Department has decided that on balance, the public interest in maintaining the exception does outweigh the public interest in disclosing the available information. This is due to the implications any disclosure of correspondence regarding enforcement actions would have on ongoing formal legal proceedings.

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NIEA Water Pollution Response and Enforcement Team
Water Catchment Unit