

Annex A - Public Interest Test – EIR

Reference Number – DAERA/26-70

Requested Information:

Information referred to within the 'Entec Report - Investigation of environmental risks from 'tarry waste' disposal sites Londonderry area, Northern Ireland'.

Specifically, information collected by the DOE, on the basis of a publicity campaign via newspaper, radio and television features. A total of 27 sites were identified."

Exemption / Exception under consideration

The Environmental Information Regulations 2004, Exception 12(5)(b) - a public authority may refuse to disclose information 'to the extent that its disclosure would adversely affect' the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

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;
- There is wide public interest in matters concerning the environment.

Reasons why the public interest would favour withholding:

- Protecting Legal Proceedings - Disclosure could interfere with ongoing or future legal cases, investigations, or inquiries.
- Avoiding Prejudice to Investigations - Releasing sensitive information relating to an investigation or compromise evidence gathering.
- Maintaining Trust in the Justice System - Public confidence in fair and impartial justice could be undermined if sensitive legal or investigatory material is released prematurely.

Conclusion

Following consideration of the Public Interest Test the Department has decided the information relates to ongoing or potential legal proceedings and its disclosure could prejudice the course of Justice.

Releasing the information could undermine legal professional privilege, which is a cornerstone of the justice system and ensures that parties can seek and receive confidential legal advice.

Disclosure could discourage open and honest communication between legal advisers and public authorities, which would not be in the public interest.

It may also compromise the integrity of any future inquiry or disciplinary process.

While there is a strong public interest in openness and transparency, in this case the public interest in maintaining the exception outweighs the public interest in disclosure. The protection of the legal process and the ability of the authority to conduct its affairs without prejudice is considered to be of greater importance.



Mobuoy Remediation Project