

## LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-183 - Environmental Information Regulations 2004 (EIR)

### Request Details:

- For each site, please provide:
  - operator/company name
  - site name and location
  - the date the Aggregates Levy Credit Agreement commenced
  - the date the agreement ended or ceased to apply
  - confirmation of whether the site was issued an Aggregates Levy Credit Certificate.
- Copies of the standard Aggregates Levy Credit Agreement template used for Northern Ireland operators.
- Copies of any environmental audit reports, compliance assessments, or monitoring reports produced under the Code of Practice for the Aggregates Industry in Northern Ireland for sites participating in the scheme.
- Any summary reports or internal departmental documents listing participating sites or reviewing compliance with the scheme.

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

The names of the officials and employees of the companies in the documents could lead to the identification of individuals.

## 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.

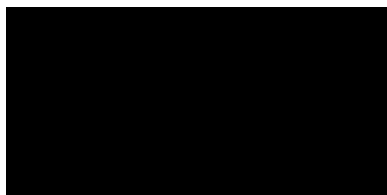
## **2. NECESSITY**

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.



**Programme Support Team**