

Public Interest Test –EIR

Reference Number – DAERA/26-31

Requested Information

Re: Emmet McGrogan & Louise McGrogan -V- David Pattison

Address: 47 High Bangor Road, Donaghadee, BT21 OPB

All relevant correspondence, investigation reports, site notes or other information pertinent to the investigation of the septic tank.

Exception under consideration

Regulation 12(4)(e) – Internal Communications

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) of the Environmental Information Regulations 2004 requires a presumption in favour when considering requests for environmental information.

Reasons why the public interest would favour withholding:

- The requested information is linked directly to an ongoing enforcement investigation being taken under the Water (Northern Ireland) Order 1999, in line with DAERA enforcement process. The correspondence may go on to be part of formal legal proceedings.
- Premature release could harm the quality of decision-making and create a chilling effect on future internal discussions.
- Officials should be able to speak freely in internal communications without the threat of comments being disclosed to the public.
- Disclosure would undermine the necessary safe space for officers to exchange candid views while the issue remains under active consideration.

Conclusion

Following consideration of the Public Interest Test, the Department has decided that on balance, the public interest in maintaining the exception under Regulation 12(4)(e) does outweigh the public interest in disclosing the available information at this stage. This is due to the implications any disclosure of correspondence regarding enforcement actions would have on ongoing formal legal proceedings.



Water Management Unit