

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-36 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

1. 1) *Working Plan*
 1. *A copy of the current approved Working Plan for the above site*
 2. *Copies of any approved amendments/variations to the Working Plan (including dates of approval)*

2. 2) *Compliance / enforcement history*

For the last 5 years (or the maximum period readily available), please provide:

 1. *Copies of NIEA inspection reports and compliance assessments*
 2. *Records of any non-compliances, corrective actions required, and outcomes*
 3. *Copies/details of any enforcement action, including warning letters, enforcement notices, suspensions, revocations, prosecutions, or other regulatory interventions (where disclosable)*
 4. *A summary of complaints received relating to the site and NIEA responses/actions taken (with personal data redacted)*

3. 3) *Hours of operation (waste receiving hours)*

Please confirm the days and hours the site is open to receive waste, as required to be displayed on the site notice board.

4. 4) *Tonnage monitoring / reporting*

I understand there may be a planning restriction limiting the site to 28,000 tonnes per annum. Please confirm whether NIEA monitors, receives, or holds records relating to annual tonnage throughput for this site (e.g. weighbridge records, operator returns, inspection data), and if so, please provide the most recent available tonnage/throughput figures. If tonnage limits are not monitored by NIEA, please confirm which authority is responsible.

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

1. Names of Cherry Pipes Ltd Limited employees.
2. Names of NIEA employees, including NIEA official's signatures.

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.

