

## **Public Interest Test – Regulation 12(4)(a) (Information Not Held)**

Reference Number – DAERA/26-124

### **Requested Information**

The applicant requested:

*Information regarding abstraction /bore holes at AIL\2011\0032, Black Mountain, Belfast*

### **Engagement of the Exception**

Regulation 12(4)(a) allows a public authority to refuse information to the extent that it does not hold the information when the request is received.

A search of relevant systems, departments and project files confirms that the Department does not hold the information requested.

Therefore, the exception at Regulation 12(4)(a) is engaged.

### **Public Interest Test**

Although Reg. 12(4)(a) concerns information *not held*, the public interest test must still be applied, as required by Regulation 12(1)(b), which states that information may only be refused if the public interest in maintaining the exception outweighs the public interest in disclosure.

### **Factors in Favour of Maintaining the Exception**

1. **The Department Cannot Disclose Information It Does Not Hold**  
There is an inherent public interest in accurate and lawful responses. Providing fabricated, speculative or incomplete information would mislead the public and undermine confidence in environmental regulation.
2. **Efficient Use of Public Resources**  
Attempting to locate, reconstruct, or acquire information the authority does not hold would place unreasonable burdens on staff and divert resources from statutory functions.
3. **Preserving Clarity About Statutory Responsibilities**  
It is in the public interest to make clear when another body — such as an environmental regulator, private contractor, or different authority — is the appropriate holder of the requested information.

### **Balance of Public Interest**

While there is strong public interest in transparency around environmental monitoring, this cannot outweigh the fact that the authority does not hold the requested information.

Maintaining the exception supports clarity, legal compliance, and prevents the release of incorrect or misleading material.

**On balance, the public interest in maintaining the exception outweighs the public interest in disclosure.**

### **Outcome**

The request is refused under **Regulation 12(4)(a)** of the Environmental Information Regulations 2004 because the authority does **not** hold the information requested.

**Abstraction and Impoundment Licensing (AIL) team**