

# **Public Interest Test – FOI / EIR**

**Reference Number – DAERA/26-164**

## **Requested Information**

I'm writing to request information under the Environmental Information Regulations (EIR) regarding the recent investigations into the AFBI Hillsborough site.

I'd like you to provide all the photo and video evidence DAERA or the NIEA received from complainants about animal welfare and environmental issues at the site from January 2025 to the present. Please also include any photographic or video records captured by your own inspectors during their site visits to AFBI Hillsborough in that same period.

Along with the visuals, I'm looking for the full reports and findings from the multi-agency inspections involving DAERA, NIEA, and Red Tractor that were mentioned in AFBI's statement on February 5th. Finally, please provide any internal emails or briefing notes between DAERA and AFBI management that discuss the social media allegations and the "Raising Concerns" investigation.

If the video files are too large for email, just let me know how I can download them.

## **Exemption / Exception under consideration**

Regulation 12(5)(b) – The Course of Justice and Inquiries Exception

### **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) requires that when a public authority considers refusing a request for environmental information it must apply a presumption in favour of disclosure.

### **Reasons why the public interest would favour withholding:**

- Disclosure of the information at this stage would be likely to prejudice the orderly conclusion of the Department's assessment and its ability to manage regulatory inquiries appropriately.
- There remains a public interest in allowing regulatory assessments to conclude without the distraction or complication of premature disclosure, particularly where information reflects provisional assessments or evidential considerations that are still subject to review.
- Early disclosure could lead to misunderstanding of the regulatory position before it is finalised.

## **Conclusion**

Following consideration of the Public Interest Test, information is withheld under as disclosure would be likely to adversely affect the authority's ability to complete a regulatory investigation that has not yet been formally concluded. Although no further enforcement action is currently anticipated, disclosure before the investigation outcome is finalised would be premature and could undermine the integrity of the authority's decision-making process.

### **Exceptions under consideration**

Regulation 12(4)( e) – Internal communications

### **Reasons why the public interest would favour disclosure:**

- There is a public interest in the openness and transparency of government.
- To show willingness to comply with the EIR by disclosing information held by the Department as a Public Authority.
- The right of the public to have access to information.
- The need for the public to be better informed and more competent to comment on public affairs.

### **Reasons why the public interest would favour withholding:**

- Release would harm the way we make decisions.
- This is an internal decision document that outlines how NIEA would deal with enforcement of legislation which relates to environmental matters.
- Disclosure would have an adverse effect on how the Department carries out its regulatory duties as the information could be used by those subject to regulation to determine the level of risk involved in not meeting particular requirements.
- The release of this information would significantly undermine the Department's ability to effectively regulate as businesses would have prior knowledge of how the Department would deal with non-compliances and could choose to take a risk-based approach to their efforts at maintaining their compliance.

### **Conclusion**

Following consideration of the Public Interest Test, the Department has decided to uphold the exceptions to disclosure in this instance.

It has been determined that the public interest in maintaining the exceptions outweigh the public interest in disclosing the information at this stage. It is considered that disclosure would undermine the Department's ability to effectively regulate, as those subject to inspection would have prior knowledge of how the Department would deal with particular types of non-compliance and could choose to take a risk-based approach to their efforts at maintaining their compliance.

[REDACTED]