

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-164 - Freedom of Information Act 2000 (FOIA) / Environmental Information Regulations 2004 (EIR)

Request Details: 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.

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

Emails and documents with personal data of civil servants, staff from AFBI, MLAs and third parties in relation to the matters outlined in the request.

LAWFULNESS

Please identify the lawful basis for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful basis 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, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request of which the requester is not the data subject.

[REDACTED]