

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-221 - Environmental Information Regulations 2004 (EIR)

Request Details: *copies of environmental information held by the Department in relation to the wastewater system serving: 22 Drumadagarve Road, Maguiresbridge, BT94 4NX*
NIEA incident reference: WR 8/25/0512

Information requested

1. *The review of consent to discharge application received by the Department (including any forms, supporting statements and submitted documentation).*
2. *All plans, drawings, maps, layouts and schematics submitted with the review application showing, as applicable:*
 - *the location of any proposed treatment plant/system;*
 - *any pipe route(s); and*
 - *the proposed discharge/outfall point(s) to the receiving watercourse (including any new proposed discharge point).*
3. *NIEA/DAERA inspection records / site notes relating to the review application (including any inspection of a new proposed discharge point referenced as having taken place around December 2025), and any correspondence recording findings from those inspections.*
4. *Communications with Environmental Health: copies of correspondence (emails /letters/ notes of calls) between NIEA/DAERA and Fermanagh & Omagh District Council Environmental Health relating to the wastewater/odour complaint concerning 22–28 Drumadagarve Road for the period 1 July 2025 to present.*

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

Names and email addresses of staff and third parties included in correspondence

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.

Water Regulation