

# Public Interest Test – EIR

Reference Number – DAERA/26-196

## Requested Information

- *That the procedures outlined in the document are fully compliant with the Hazardous Waste Regulations (NI) 2005.*
- *That the Hazardous Waste Department has no concerns regarding the tracking and movement of hazardous waste under this contract*
- *That all waste has been, and continues to be, consigned to appropriately authorised facilities for treatment, recycling, or disposal.*

## Exemption / Exception under consideration

Environmental Information Regulations 2004 - Regulation 12(5)(e) - adversely affect the confidentiality of commercial or industrial information.

## Reasons why the public interest would favour disclosure:

- Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure.
- DAERA is committed to conducting its business in a manner that is as open and transparent as possible.

## Reasons why the public interest would favour withholding:

The information requested above relates to individual Companies involved in commercial contracts with the potential for this information to give a commercial advantage to a competitor of the companies involved.

Therefore, to release this information would cause a substantial prejudice to the commercial undertaking and economic interest to the companies, which impacts on the public interest of the wider economy.

The Department, having previously consulted with such Companies (e.g. authorised waste operators), has prior knowledge of their position which is that they consider giving out such detailed information as commercially sensitive as if the information were released it would provide a competitor with an unfair advantage.

## Conclusion

In considering the Public Interest Test in relation to the use of this exception we recognise that Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and to be as open and transparent as possible. However, withholding the information under Regulation 12(5)(e) allows the companies to operate in a fair market without unfair advantage being given to competitors therefore the public interest in favour of disclosure is outweighed by that in favour of withholding.

## **Control & Data Management**