

Public Interest Test – EIR/FOI

Reference Numbers – DAERA/26-186

Requested Information

A variety of environmental information relating to several sites from one company.

Exemption / Exception under consideration

- Manifestly Unreasonable under Regulation 12(4)(b) EIR
- For non-environmental information, vexatious under section 14(1) of FOIA
- Regulation 12(5)e commercially sensitive information

Reasons why the public interest would favour disclosure:

- EIR Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and DAERA is committed to conducting its business in a manner that is as open and transparent as possible.
- Disclosure of the information would provide confidence that the regulators decision making processes have been carried out fairly and without fear or favour.

Reasons why the public interest would favour withholding:

- The Department have already supplied a very significant amount of information from numerous previous requests. Some of the information now requested asks again for information already supplied. The motivation, value and serious purpose for the numerous requests are unclear but the pattern appear in part to relate to a personal dispute and other campaigns. The requests appear to be wide ranging fishing expeditions across several sites and different companies. The numerous requests appear to have a significant AI component. The Department also notes the large number of other correspondence from Mr Woods.
- The requestor's right of access does not justify the commitment of a significant sum of public money and resources to collect the information.
- Complying with the volume of requests would apply an unjustified level of distress & disruption to staff already working in difficult circumstances due to already busy workloads.
- The time commitment to fulfil these requests in full would pose a disproportionate burden on the Department and would involve an unreasonable diversion of resources including staff resources from essential and statutory responsibilities.

Conclusion

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exception / exemption outweighs the public interest in disclosing the information. The Department considers these to be manifestly unreasonable requests based on the cost and burden of dealing with the requests and consequent diversion of resources in dealing with these requests.

Control and Data Management Branch