

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-210 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

1. Water-testing information from 1 January 2023 to the present date.
2. Laboratory results and field measurements for each sample taken.
3. Dates and times of sampling, sampling locations, and any associated chain-of-custody or sampling sheets.
4. Interpretive reports, internal emails, briefing notes, or correspondence that analyse or comment on these water test results, particularly in relation to potential contamination of Carlingford Lough.
5. Risk assessments or conclusions drawn by your officers about the levels of pollutants/toxins entering Carlingford Lough from or near these sampling points.
6. Confirmation whether each of the three sampling locations has an outfall, drain, culvert or discharge pathway that enters Carlingford Lough, and if so, provide any maps, drawings or descriptions that show this.
7. Confirmation if any discharges from within the ReGen site and the adjacent TMet area ultimately outfall into Carlingford Lough, and the locations of any such outfalls.

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

1. Names of ReGen Waste Limited employees/consultants and any signatures.
2. Names of Warrenpoint Harbour Authority employees and any signatures.
3. Names of NIEA employees, including NIEA official's signatures.

LAWFULNESS

Please identify the lawful bases for processing

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

The lawful bases 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.

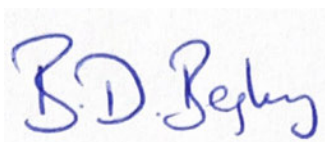
2. NECESSITY

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

A handwritten signature in blue ink that reads "B.D. Begley". The signature is written in a cursive style with a large initial "B" and "D".

Brian Begley
Head of Waste Licensing Team