

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-215 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

1. All correspondence, emails, letters, file notes, meeting notes, internal memoranda, and other recorded communications between NIEA and Newry, Mourne and Down District Council from 1 August 2025 to the date of your response concerning:

- o Re-Gen Waste Ltd at Shepherds Drive / Carnbane Business Park.
- o the Council enforcement case LA07/2025/0202/CA.
- o any alleged or suspected breach of planning control at the site.
- o any issue concerning waste management licensing, PPC permitting, exemptions, authorisations, or other regulatory controls applying to the site.

2. All records relating to the joint site visit undertaken with the Council on or about 7 January 2026, including:

- o agendas.
- o site inspection notes.
- o handwritten notes.
- o attendance records.
- o photographs.
- o briefing notes.
- o follow-up reports.
- o internal emails discussing the visit before or after it took place.

3. All recorded information held by NIEA regarding whether any matter of planning control at the site has, or may have, a direct bearing on:

- o the validity, scope, or operation of any waste management licence, PPC permit, exemption, or other environmental authorisation.
- o the lawfulness of waste storage, treatment, transfer, sorting, baling, recycling, RDF handling, or any other waste-related activity at the site.
- o compliance with any permit or licence condition.
- o whether any ongoing or proposed activity falls outside the scope of the relevant authorisation.

4. Any correspondence or recorded discussion concerning whether the site is being operated:

- o outside the scope of planning permission.
- o outside the scope of any waste authorisation or permit.
- o in a manner requiring variation, review, suspension, revocation, enforcement action, or other regulatory intervention.

5. Any recorded information discussing whether planning breaches, unauthorised structures, unauthorised storage, unauthorised changes of use, or departures from approved site layout are relevant to NIEA's regulatory assessment of the site.

6. Any records of communication between NIEA and the operator, or NIEA and any third party, which refer to the relevance of planning status or planning enforcement issues to the site's environmental authorisation.

7. Any internal NIEA guidance, legal advice summaries, policy notes, or officer notes relied upon in considering how planning control issues at this site interact with waste permitting or licensing controls.

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

1. Names of ReGen Waste Limited employees & consultants.
2. Names of Warrenpoint Harbour Authority employees.
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.

