

## **LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**

### **DAERA/26-233 – Environmental Information Regulations 2004 (EIR)**

#### **Request Details:**

Request received by the Department on 31 March 2026 requesting:

1. If lands in the Folio numbers provided has been claimed for area-based schemes from 1996 to present and historical map information. On 31 March 2026, the requester confirmed the Farm Survey Number as 2/053/107 Fields 1, 2, 3, 4, 5A, 5B, 6, 7, 8A, 8B and 9.

#### **Brief description of the Personal Data falling within the scope of the request:**

The personal data within the scope of the request relates to claimant and payment information the Department holds, of which the requester is not the data subject.

### **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 is 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 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.

##### **3. CONCLUSION**

Having considered all of the information contained within this test, it has been determined that no basis exists for the disclosure of the information requested.