

Public Interest Test – EIR

Reference Number – DAERA/25-764

Requested Information

The requester has sought “any available meeting minutes for Minister Muir’s independent Environmental Protection Agency since January 2024.”

Exception under consideration:

Regulation 13 (Personal Data)

The requested information includes personal data relating to identifiable individuals. Disclosure would contravene the UK GDPR and Data Protection Act 2018 principles, particularly lawfulness, fairness and data minimisation.

Public interest in disclosure:

- Promoting openness and transparency in public authority decision-making.
- Enhancing public understanding of how environmental matters are managed.
- Supporting accountability in the use of public resources.

Public interest in maintaining the exception:

- Protecting individuals’ rights to privacy and data protection.
- Ensuring compliance with UK GDPR and the Data Protection Act 2018.
- Preventing unfair or unlawful disclosure of personal data.

Conclusion

The public interest in protecting personal data and complying with data protection legislation outweighs the public interest in disclosure.

Exception under consideration:

Regulation 12(4)(d) – Material in the Course of Completion

The requested information includes material on policy areas that are beyond the scope of the request that are incomplete or still in the course of completion.

Public interest in disclosure:

- Supporting early public engagement and transparency.
- Encouraging informed public debate.

Public interest in maintaining the exception:

- Preventing misunderstanding of incomplete or draft information.
- Preserving the integrity of the decision-making process.
- Avoiding confusion or unnecessary concern.

Conclusion:

The public interest favours redacting this information as it falls outside the scope of the request and contains incomplete information.

Regulation 12(5)(d) — Confidentiality of Proceedings of a Public Authority

Regulation 12(5)(d) applies where disclosure would adversely affect the confidentiality of proceedings of a public authority, where such confidentiality is protected by law. The information requested relates to information that will be subject to the Executive's proceedings. These proceedings are confidential under the Conduct of Executive Business protocol and the Ministerial Code; disclosure would adversely affect that confidentiality.

Public interest in disclosure:

- Promoting openness and transparency in how environmental matters are considered and decided.
- Enabling public scrutiny of decision-making processes affecting the environment.
- Supporting accountability and public confidence in public authorities.
- Contributing to informed public debate on environmental issues.

Public interest in maintaining the exception:

- Strong public interest in respecting confidentiality where it is provided for by law.
- Disclosure would undermine the lawful operation of confidential proceedings.
- Preserving confidentiality ensures proceedings are conducted properly and in accordance with legal requirements.
- Disclosure could expose the authority to legal challenge and undermine good governance.
- Confidentiality supports candid discussion and robust consideration within proceedings, leading to better decision-making.

Conclusion

While there is a public interest in transparency and accountability, this is outweighed by the strong public interest in maintaining the confidentiality of proceedings protected by law. The authority has concluded that the public interest in maintaining the exception under Regulation 12(5)(d) outweighs the public interest in disclosure.

Regulation 12(4)(e) – Internal Communications

Exception engaged:

The information consists of internal communications between officials and the Minister.

Public interest in disclosure:

- Enhancing transparency in internal decision-making There is a general public interest in promoting transparency, accountability, public understanding and involvement in the democratic process.
- Increasing public confidence in environmental governance.

Public interest in maintaining the exception:

- Protecting frank and candid internal discussions.
- Safeguarding the quality of advice and decision-making.
- Preventing inhibition of free and open exchange of views.

Conclusion:

The public interest in effective internal communications outweighs the public interest in disclosure.

Overall Conclusion

After balancing the competing factors, the Department concludes that the public interest in maintaining the exceptions outweighs the public interest in disclosure for some the information contained in the materials – four records can be released with redactions, two will be withheld.

Accordingly, the Department will redact information and withhold two records under:

- **Regulation 13** — Personal Data
- **Regulation 12(4)(d)** — Material in the Course of Completion
- **Regulation 12(5)(d)** — Confidentiality of Proceedings of a Public Authority
- **Regulation 12(4)(e)** – Internal Communications