

FULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-295 - Environmental Information Regulations 2004 (EIR)

Request Details:

1. Please detail NIEA's actions concerning your response to our complaint of 7th November 2025 regarding cypermethrin spraying at Warrenpoint Port.
2. Is NIEA aware of the continued use of cypermethrin at Warrenpoint Port?
3. If so, given the well-documented risk to human health and to aquatic life from cypermethrin, why has this spraying been permitted to continue unabated?
4. Which section(s) within NIEA is/are currently investigating this reported situation?
5. When is a decision by NIEA due in relation to the ongoing spraying and future use of cypermethrin at Warrenpoint Port?
6. Has there been any correspondence between NIEA and Warrenpoint Harbour Authority relating to the use of cypermethrin at Warrenpoint Port?
7. Has there been any correspondence between NIEA and Re-Gen relating to the use of cypermethrin at Warrenpoint Port?
8. Is there/will there be any enforcement action to be taken by NIEA against either Warrenpoint Harbour Authority or Re-Gen in relation to this chemical spraying?
9. Has NIEA taken samples from the marine environment in the proximity of Warrenpoint Port within the last year?
10. If samples have been taken, has cypermethrin been tested for?
11. If so, please supply the analysis reports and confirm or deny that cypermethrin has been detected within any sample.

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

Personal data of which the requester is not the data subject is held within the report and sample records. This includes names, addresses and phone numbers of NIEA staff and members of the public.

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 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 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.

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Water Pollution Response and Enforcement Team
Water Catchment Unit