

Annex b

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-245 - Environmental Information Regulations 2004 (EIR)

Request Details:

Information under the Environmental Information Regulations 2004 in relation to asbestos report ECS/VCS 415/22 and associated NIEA activity concerning land at Curragh Road, Castleroe, Coleraine.

This request relates to matters addressed in your Stage 2 complaint response dated 9 February 2026 (Ref: CC/18/2025).

1. Communications with Causeway Coast and Glens Borough Council Copies of all information held by NIEA (including emails, file notes, internal records, and correspondence) recording or evidencing:

- **communications with Causeway Coast and Glens Borough Council relating to:**
 - o **identification of any person as having an estate in, or control of, the land;**
 - o **the presence of asbestos at the site;**
 - o **any enforcement action taken or proposed;**
 - o **arrangements for the removal of asbestos.**

2. Basis for NIEA's understanding that the Council ensured removal All information held by NIEA which records, evidences, or supports the statement that:

the Council identified the landowner and ensured that asbestos waste would be removed.

This includes any:

- **correspondence (internal or external)**
- **file notes or records of telephone calls**
- **internal briefings or summaries**

3. Identification of the duty-holder / person in control All information held by NIEA relating to:

- **the identification of any person considered to be:**
 - o **the owner, occupier, or person in control of the land;**
 - o **a person having an estate in the land;**
- **the basis on which such identification was made or rejected;**
- **any records referring to enforcement notices or other documents identifying a named individual.**

4. Decision to cease NIEA investigation

All information held relating to NIEA's decision to cease or close its investigation, including:

- **records evidencing reliance on the Council as the lead authority;**
- **internal decision-making records, file notes, or assessments;**
- **any risk assessments or considerations recorded at that stage.**

5. Verification of asbestos removal and disposal All information held by NIEA relating to:

- **verification that asbestos was removed by a licensed contractor;**

- **confirmation of disposal at a licensed facility (including date(s), facility details, and any consignment or transfer documentation held).**

6. Record-keeping and case management

Any information held describing:

- **the systems, processes, or records used by NIEA to record:**
 - o **communications (including telephone calls)**
 - o **decisions**
 - o **enforcement actions**
- in relation to this case.**

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

The nature of the data includes names, locations/addresses, telephone numbers, e-mail addresses.

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 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 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, there is 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.



Environmental Crime Unit