

ANNEX C

Public Interest Test – EIR

Reference Number – DAERA/26-224

Requested Information:

Question 5 - Any risk assessments, biosecurity protocols, inspection records, or compliance reports relating to the storage, handling, testing, transport, or disposal of bluetongue virus or bluetongue-positive samples at any AFBI or DAERA site in Northern Ireland

Exemption / Exception under consideration

Environmental Information Regulations 2004 – Regulation 12(4)(e) – disclosure of internal communications

Environmental Information Regulations 2004 – Regulation 12(5)(a) – adversely affects national security and public safety

Environmental Information Regulations 2004 - Regulation 12(5)(e) - adversely affect the confidentiality of commercial or industrial information

Reasons why the public interest would favour disclosure:

Environmental Information Regulation 12(2) states that DAERA shall apply a presumption in favour of disclosure

DAERA is committed to conducting its business in a manner that is as open and transparent as possible

Reasons why the public interest would favour withholding:

EIR regulation 12(4)(e)

The information requested above relates to internal communications between the Department and the Health and Safety Executive. The Health and Safety Executive supports DAERA in NI by providing technical support and advisory services in the licensing of facilities and enforcement as detailed in a relevant Memorandum of Understanding. The disclosure of information would have a negative effect on the Department's internal deliberation and decision-making processes.

It is necessary to preserve a safe space in which to debate issues away from external scrutiny, and enable a chilling effect on the exchange of free and frank views in future.

A safe space is required following the findings of the Health and Safety Executive to promote, explain and defend the key points.

EIR regulation 12(5)(a)

The information requested above relates to matters which present a risk to national security – where details specifying arrangements for the containment of potentially diseased material relate. The information also relates to biosecurity testing to disclose details would adversely affect not only national security but also public safety. If disclosed, would adversely affect the ability to protect the public, public buildings and industrial sites from accident or acts of sabotage; and where disclosing information would harm the public's health and safety.

EIR regulation 12(5)(e)

The information requested above relates to an individual Company involved in commercial contracts with the potential for this information to give a commercial advantage to a competitor of the companies involved.

Therefore, to release this information would cause a substantial prejudice to the commercial undertaking and economic interest to the company, which impacts on the public interest of the wider economy.

The Department considers giving out such detailed information as commercially sensitive as if the information were released it would provide a competitor with an unfair advantage.

Conclusion

In considering the Public Interest Test in relation to the use of these exceptions I recognise that Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and to be as open and transparent as possible. However, withholding the information under these EIR exceptions has been considered taking into account the following:-

- the disclosure of information would have a negative effect on the Department's internal deliberation and decision-making processes
- is necessary to preserve a safe space in which to debate issues away from external scrutiny, and enable a chilling effect on the exchange of free and frank views in future
- if some of the information was disclosed, would adversely affect not only national security but also the ability to protect the public, public buildings and industrial sites from accident or acts of sabotage; and where disclosing information would harm the public's health and safety.
- the need for the company to operate in a fair market without unfair advantage being given to competitors

Therefore, the public interest in favour of disclosure is outweighed by that in favour of withholding.

[REDACTED]