

# **Public Interest Test – EIR**

**Reference Number – DAERA/26-261**

## **Requested Information**

**“All complaints, reports, records, correspondence and related documentation held by DAERA which were submitted by or on behalf of neighbouring occupiers in respect of property at 86 Clonkeen Road”.**

## **Exemption / Exception under consideration**

12(5) ..., a public authority may refuse to disclose information to the extent that –

(b) The course of justice, the ability of a person to receive a fair trial or the ability of the public authority to conduct an inquiry of a criminal or disciplinary nature

## **Reasons why the public interest would favour disclosure:**

- The Department’s default position is to disclose information held unless an absolute exemption applies.
- Openness and transparency in the delivery of the Department’s operations regarding its investigations and any subsequent follow up actions.
- The Public need to have confidence in the Department to carry out its duty and investigate any reported allegations of wrongdoing in keeping with the Department’s internal and external policies.
- The information may demonstrate publicly that investigations have, or have not, been carried out properly.

## **Reasons why the public interest would favour withholding**

- The content of the scope of the query is still sensitive in nature. The material is associated with a criminal enquiry which, although at the early stages of investigation, is still currently going through the investigative process and releasing this documentation may alter any future criminal proceedings.
- It is incumbent that the Department offers any Defendant in legal proceedings in which it is involved with actuality and appearance of a fair trial. The disclosure of possible evidence prior to any court hearing can and will affect both the actuality and appearance of a fair trial.

## **Conclusion**

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exemption outweighs the public

interest in disclosing the information due to the effects any disclosure would have on the application of a fair trial if the investigation proceeded to such an outcome.



**ECU**  
**NIEA**