

# **Public Interest Test –EIR**

**Reference Number – DAERA/26-361**

## **Requested Information**

Request for information on:

Testing carried out to date and any results and recommended actions as we need to bring a report back to council committee.

## **Exception under consideration**

Regulation 12(5)(b) – The course of justice and inquiries exception

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

- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.
- Regulation 12(2) requires the Department of Agriculture Environment and Rural Affairs (DAERA) to apply a presumption in favour of disclosure.

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

- The requested information is linked to ongoing enforcement actions in line with the DAERA enforcement process. The incident (WR 4/26/0009) is being treated as if 'sub judice' so as not to influence due process.

## **Conclusion**

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exemption does outweigh the public interest in disclosing the available information. This is due to the effects any disclosure of correspondence regarding enforcement actions would potentially have on ongoing formal legal proceedings.

████████████████████

██

**Water Pollution Regulation and Enforcement Team**