

Public Interest Test – EIR

Reference Number – DAERA/26-201

Requested Information

Information on enforcement action under the Fisheries Act (NI) 1966.

Information on Regulation 20 Notice issued under the Water Abstraction and Impoundment (licensing) Regulations (NI) 2006.

Personal information of site owner and of staff conducting inspections

Commercial data relating to operation of the fish farm

Exemption / Exception under consideration

Regulation 12(5)(b) of The Environmental Information Regulations 2004 - 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

Regulations 12(3) and 13(1) of The Environmental Information Regulations 2004 - the information requested includes personal data of which the applicant is not the data subject.

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

Reasons why the public interest would favour disclosure:

- Duty to make information available.
- Transparency and openness in the regulation of the site.
- Justice is being seen to be done.

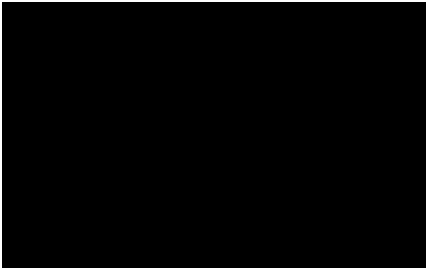
Reasons why the public interest would favour withholding:

- Kirkaldie v Information Commissioner & Thanet District Council (EA/2006/0001, 4 July 2006): “The purpose of this exception is reasonably clear. It exists in part to ensure that there should be no disruption to the administration of justice, including the operation of the courts, and no prejudice to the right of individuals or organisations to a fair trial. In order to achieve this it covers legal professional privilege, particularly where a public authority is or is likely to be involved in litigation.”
- Release of information would inhibit and hinder ongoing investigations.
- The information is the personal data of a person other than the applicant and of staff carrying out inspections.
- legitimate economic interests will be affected by disclosure of the withheld information to the world at large.

Conclusion

Whilst investigations and proceedings are ongoing, release of the requested information will have an adverse effect on the course of justice.

The withholding of personal data and commercially sensitive data is justified as release would adversely affect confidentiality and protects a legitimate economic interest.



Abstraction and Impoundment Licencing Team