

## **LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**

**DAERA/26-325 – Freedom of Information Act 2000**

**Request Details: Councillor Sheamus Greene wrote to DAERA on 12<sup>th</sup> May 2026 requesting, under the FOI Act (2000);**

- **all correspondence between DAERA, the Food Standards Agency, and DEFRA relating to hormone-treated Brazilian beef since 1 March 2026;**
- **any briefings, internal notes, or advice provided to the Minister regarding this matter; any assurances, assessments, or responses received concerning whether hormone-treated Brazilian beef has entered supply chains in the North of Ireland.**
- **This request relates in particular to correspondence references COR-0196-2026, COR-0268-2026, and COR-0287-2026.**

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

Names of NICS and UK non-Senior Civil Servants (SCS) in the following records (records 1-20 of the 22 released):

- COR-0196-2026 - Hormone-Treated Beef and Food Chain Integrity - Cover Note – Advice
- DCOR-0009-2026 – Advice Cover Note - Cllr Sheamus Greene
- Query with FSA for LTT to add to background note OFFSEN: Query: Brazilian Beef containing hormones prohibited under EU law
- FSA response: OFFSEN: Query: Brazilian Beef containing hormones prohibited under EU law
- COR-0268-2026 Not for FSA: Immediate Clarification Required: Hormone-Treated Beef and Food Chain Integrity (Cross Ref: COR-0196-2026)
- Further FSA corr: OFFSEN: Query: Brazilian Beef containing hormones prohibited under EU law
- Attached Email 1 - COR-0268-2026 Not for FSA Immediate Clarification Required Hormone-Treated Beef and Food Chain Integrity (Cross Ref COR-0196-2026)

- Attached Email 2 without attachments withheld under Section 21 - COR-0268-2026 Not for FSA Immediate Clarification Required Hormone-Treated Beef and Food Chain Integrity (Cross Ref COR-0196-2026)
- COR-0268-2026 - Hormone-Treated Beef and Food Chain Integrity - Cover Note – Advice
- Confirmation Minister content to share correspondence with Defra
- Attached Email 1 - Confirmation Minister content to share correspondence with Defra
- Attached Email 2 without attachment withheld under Section 21 - Confirmation Minister content to share correspondence with Defra
- COR-0287-2026 - Cover Note
- Returned to Private Office - COR-0287-2026 : Hormone-Treated Beef and Food Chain Integrity (Cross Ref: COR-0268-2026)
- Attached Email 1 - Submission Decision SUB-0249-2026 UPDATE EU-MERCOSUR TRADE DEAL (CROSS-REF SUB-1294-2025)
- Attached Email 2 - Submission Decision SUB-0249-2026 UPDATE EU-MERCOSUR TRADE DEAL (CROSS-REF SUB-1294-2025)
- Attached Email 2 Attached Document 1 - Submission Decision SUB-0249-2026 UPDATE EU-MERCOSUR TRADE DEAL (CROSS-REF SUB-1294-2025)
- Attached Email 3 - Submission Decision SUB-0249-2026 UPDATE EU-MERCOSUR TRADE DEAL (CROSS-REF SUB-1294-2025)
- Attached Email 3 Document 2 - Submission Decision SUB-0249-2026 UPDATE EU-MERCOSUR TRADE DEAL (CROSS-REF SUB-1294-2025)
- Submission Decision SUB-0249-2026 : UPDATE EU-MERCOSUR TRADE DEAL (CROSS-REF: SUB-1294-2025)

## **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 FOIA or 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 FOI or 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**

Although there is a legitimate interest in transparency around ministerial advice and engagement with other government Departments and/or Agencies, disclosure of the names and job titles of the accompanying officials is not necessary to meet that interest. We are disclosing the names, Departments and Job Titles of Senior Officials (NI/UK Civil Service Grade 5 and analogous) contained in these records, and that disclosure provides the transparency required under 'legitimate interest'.

Individuals who are more junior than those Senior Officials and who do not act as public spokespeople for their department, would not reasonably expect their personal data to be disclosed under FOIA. Consent to release their personal data was not requested as part of the meeting. Disclosure would therefore be unlawful under Article 6(1)(f) UK GDPR, unfair, and lacking transparency. The information is exempt under section 40(2) FOIA.

  
**Windsor Framework Implementation Directorate**