

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-332 - Environmental Information Regulations 2004 (EIR)

Request Details:

I'm looking for information regarding the number of sites in Northern Ireland that have asbestos on them.

Covering the 10 year period 2016-2025, please provide the following information for each such site that NIEA is aware of:

Location of site - please provide the nearest street and postcode.

Date at which NIEA became aware of it:

Amount of asbestos discovered:

Action taken by NIEA to date:

How much of clean up costs have been recouped:

Is asbestos still on site?

Date by which all asbestos removed from site.

Note: Previous information was released for 2015-2024 (attached). However the location was not provided to the street and postcode level. In this request I am also asking for the date by which all asbestos removed from site.

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

The personal data that falls within the scope of this request relates to address and postcode details of sites across Northern Ireland that have had unauthorised deposits of asbestos. These details could identify individuals, farms and small businesses.

LAWFULNESS

Please identify the lawful basis for processing

Personal data is processed when it is lawfully disclosed in response to an EIR request.

The lawful basis for processing is 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 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.

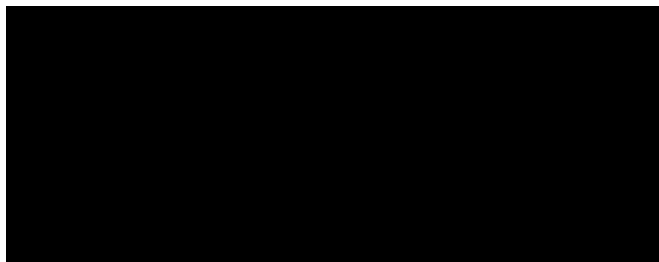
2. NECESSITY

The right of access under 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

Having considered all of the information contained within this test and that no consent or legitimate interests have been established the Department has concluded that, on balance, no lawful basis exists for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.



Environmental Crime Unit