

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-282 - Environmental Information Regulations 2004 (EIR)

Request Details:

This request seeks information relating to: Associated correspondence, documentation, and administrative material held by the Department.

Some of the information identified within scope contains personal data relating to third parties (e.g. names and contact details).

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

The personal data identified consists of:

- Names of individuals;
- Contact details (including email addresses and/or telephone numbers);

This information relates to identifiable living individuals and therefore constitutes personal data under the UK GDPR.

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 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 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

The Department has concluded that:

- There is **no lawful basis** for disclosure of the third-party personal data; and
- Disclosure would be **unlawful** and therefore in breach of the first Data Protection Principle (lawfulness, fairness and transparency).

Accordingly, the personal data has been withheld under **Regulation 13(1)** of the Environmental Information Regulations 2004.

████████████████████

████████████████████

DAERA Inland Fisheries