

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

### **DAERA/26-298 – Environmental Information Regulations 2004 (EIR)**

#### **Request Details:**

Request received by the Department on 29 April 2026 requesting:

1. DAERA farm map and field schedule.
2. Full copy of his herd book to the date of archive.
3. Confirmation of all or any subsidies paid in respect of the land and any records held of letting and/or conacre agreements in relation to the enclosed folios and maps.

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

The personal data within the scope of the request relates to claimant and payment information the Department holds, of which the requester is not the data subject.

## **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 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.

#### **3. CONCLUSION**

Having considered all of the information contained within this test, and in the absence of any 3<sup>rd</sup> party consent, it has been determined that no basis exists for the disclosure of the information requested.



