

Public Interest Test – FOI and EIR

Reference Number – DAERA26-310 - Requested Information

Department to provide the minutes of the following ministerial meetings which took place from October 2025 to the end of December 2025.

If there were briefings given to the Minister prior to or after the meeting, I would also like to see those.

1. Claire Hanna - to discuss Lough Neagh
2. David Holmes to discuss odour issues at Warrenpoint Harbour Authority
3. Gavin Robinson about Lough Neagh.
4. First Minister Michelle O'Neill.
5. Orlaithi Flynn at Colin Glen Park
6. Rob Williams, British Vet Association.
7. Mary Lou McDonald.
8. William Irvine from UFU.
9. Nick Shaftesbury to discuss Lough Neagh.
10. Stewart Dickson about beaches.

EXCEPTION UNDER CONSIDERATION

Regulation 12(4)(e) – Internal Communications

Exception engaged:

The information consists of internal communications between officials and the Minister.

Arguments in favour of disclosure

Transparency and accountability - Enables public scrutiny of environmental decision-making.

Public understanding - Helps explain how decisions are reached.

Confidence in government - Demonstrates openness and integrity.

Environmental impact - Stronger presumption in favour of disclosure under EIR.

Arguments in favour of maintaining the exception

Safe space for officials - Protects ability to give free and frank advice

Effective decision-making - Prevents chilling effect on internal discussions

Policy development - Allows options to be explored without premature exposure

Conclusion

While there is a clear public interest in transparency and understanding how environmental decisions are made, this must be balanced against the need for officials and Ministers to have a private space in which to discuss issues candidly.

Regulation 12(4)(e) applies as the information comprises internal communications. I have considered the public interest in disclosure, including transparency and accountability in environmental decision-making. However, I consider that disclosure would be likely to inhibit the free and frank exchange of views and undermine the effective development of policy. On balance, the public interest favours maintaining the exception.

EXCEPTION UNDER CONSIDERATION

EIR - Regulation 12(4)(d) – Policy in development

Exception engaged:

The information consists of information that relates to policy in development.

Arguments in favour of disclosure

Transparency and accountability - Shows how environmental policy is being developed.

Public participation - Enables informed debate during policy formation.

Understanding decision-making - Provides insight into options considered.

Strong EIR presumption - Default position is disclosure.

Arguments in favour of maintaining the exception

1. Safe space for policy development

- Need for officials to explore options freely and test ideas without external pressure.

2. Risk of misleading or premature information

- Draft or incomplete material may be taken out of context and may not reflect final policy position.
- Could lead to misinformed public debate.

3. Chilling effect

- Disclosure may inhibit frank advice and reduce quality of internal discussion

4. Distraction and resource burden

- Authorities may need to explain evolving or superseded positions and manage debate on incomplete work.
- Diverts resources from policy delivery.

Conclusion

Regulation 12(4)(d) applies as the information relates to material still in the course of completion concerning policy development.

I have considered the public interest in disclosure, including transparency and public understanding. However, I consider there is a strong public interest in protecting a safe space for policy development and avoiding the release of incomplete information which could be misleading. On balance, the public interest favours maintaining the exception.

EXCEPTION UNDER CONSIDERATION

EIR - Regulation 12(5)(e) - Commercial or Industrial information

Exception engaged:

The information consists of information that relates to commercial or industrial information.

Arguments in favour of disclosure

Transparency and accountability - Public scrutiny of environmental decisions involving public money or resources

Environmental impact - Strong EIR presumption in favour of openness

Arguments in favour of maintaining the exception

Protection of legitimate economic interests

- Disclosure could damage a company's competitive position and reveal business strategy.
- May undermine ability to compete in markets.

Harm to procurement / commercial relationships

- Risk of suppliers being less willing to engage openly
- Reduced quality of submissions or partnership working

Protection of commercially confidential information

- Information may be provided in confidence
- Commercially sensitive even if held by the authority

Wider economic impact

- Undermining trust which could reduce future investment or innovation

Conclusion

Regulation 12(5)(e) applies as disclosure would adversely affect the confidentiality of commercial information and the legitimate economic interests of the organisation concerned.

EXCEPTION UNDER CONSIDERATION

EIR - Regulation 12(5)(a) adversely affect international relations

Exception engaged:

The information consists of information that relates to UK and Republic of Ireland relations.

Arguments in favour of disclosure

Presumption in favour of disclosure – Built into EIR; must always start from openness.

Transparency and accountability – Public has a strong interest in how environmental decisions are made.

Public understanding of environmental risks – Disclosure can improve awareness of risks and impacts.

Public confidence – Openness supports trust in environmental governance.

Arguments in favour of maintaining the exception

Protection of public safety - Disclosure could increase risk to individuals i.e. ministers travelling to meeting destination outside the jurisdiction.

International relations – Disclosure could damage trust, cooperation, or information-sharing with other states. The UK and ROI relations is built on trust and openness to discuss issues relating to interactions between Northern Ireland and ROI.

Sensitivity of information – information deals with sensitive issues relating to policy development and relationships between the UK and ROI.

Conclusion

Regulation 12(5)(a) applies as its disclosure would be likely to adversely affect international relations. On balance, the public interest in maintaining the exception outweighs that in disclosure.

FOI EXEMPTION UNDER CONSIDERATION

FOI Section 35(1)(a) exemption formulation or development of government policy.

Exemption engaged:

Information requested relates to the development of Government policy in relation to veterinary medicines supplies.

Arguments in favour of disclosure

Transparency on post-EU exit arrangements

- Disclosure would improve understanding of how veterinary medicines policy is being shaped under the Windsor Framework.

- There is strong public interest in clarity on regulatory arrangements affecting Northern Ireland.

Impact on public health, animal welfare and food supply

- Veterinary medicines policy directly affects antimicrobial resistance, food safety, and animal health.
- Disclosure would support scrutiny of decisions with cross-border and supply chain implications.

Accountability for UK–EU engagement

- There is a legitimate public interest in how the Government represents UK and Northern Ireland interests in discussions with the EU.
- Transparency supports confidence that policy is evidence-based and proportionate.

Arguments in favour of maintaining the exemption

Protecting safe space in a live and sensitive policy environment

- Policy development is taking place alongside ongoing UK–EU discussions, where positions are evolving.
- Officials and Ministers require space to develop negotiating positions, test options and refine policy without external pressure.

Prejudice to UK negotiating position

- Disclosure would risk revealing UK policy thinking, negotiating lines, or areas of flexibility.
- This could undermine the UK's position in discussions with the EU, reducing its ability to secure favourable outcomes.

Risk to effective UK–EU relations

- Premature disclosure of internal policy development could damage trust between negotiating partners.
- This may make it more difficult to conduct constructive and candid discussions, particularly on technically complex regulatory issues.

Misinterpretation of evolving policy

- The information is likely to reflect incomplete, provisional or exploratory positions.
- Disclosure could lead to public confusion or concern, particularly where proposals are not finalised or subject to negotiation.

Impact on regulatory certainty and markets

- Veterinary medicines policy under the Windsor Framework has direct implications for supply chains and market access in Northern Ireland.
- Premature disclosure could create uncertainty for industry and stakeholders, potentially affecting behaviour ahead of final decisions.

Inhibition of frank advice

- Disclosure would be likely to inhibit the candour of advice, particularly where officials are assessing risks, trade-offs, or potential concessions in a negotiation context.
- This would weaken the quality and robustness of policy development.

Conclusion

Section 35(1)(a) exemption applies as while disclosure would promote transparency and support informed debate on veterinary medicines policy under the Windsor

Framework, this is outweighed by the need to protect a safe space for the formulation and development of policy in a live and sensitive international context. Disclosure would be likely to prejudice the UK's position in ongoing discussions with the European Union, inhibit the candour of advice provided to Ministers, and risk misunderstanding of evolving policy positions before decisions are finalised.

FOI EXEMPTION UNDER CONSIDERATION

FOI Section 35(1)(a) exemption formulation or development of government policy.

Exemption engaged:

Information requested relates to the development of Government policy in relation to NI assembly Executive meetings.

Arguments in favour of disclosure

There is a presumption of a general public interest in disclosure.

Disclosure would provide greater transparency, accountability and openness surrounding the operation of Government, possibly serving to increase the understanding and trust the public may have in the operation of the Executive Committee.

Arguments in favour of maintaining the exemption

Frank and honest debate is a key component of policy formulation and there is a public interest, in appropriate situations, in maintaining a private space for discussion away from public scrutiny to effectively formulate and develop policy. Ministers need to be able to discuss difficult policy issues with candour and the release of information showing what discussions took place and when, along with the details of those discussions, would inhibit that. If Ministers were to feel inhibited from being frank and candid with one another because of the possibility of the disclosure of such exchanges, the quality of debate lying behind the collective discussion and decision-making process would be diminished, ultimately resulting in weaker policy formulation.

Government Ministers must be able to undertake a full consideration of all of the options – this requires a private space in which to carry out a candid assessment and scenario planning. In this context, premature disclosure of advice and assessments may close off discussion and the development of better policy options and undermine frank reporting on progress and the identification of risks. This is not in the public interest.

Conclusion

Section 35(1) (a) applies as to publish the material at this juncture would be likely to negatively impact the future operation of government at Ministerial level through a failure to provide time and space for policies to be formulated and developed in a "safe space". The arguments in favour of non-disclosure of the information which has been requested outweigh the arguments in favour of disclosure.

FOI EXEMPTION UNDER CONSIDERATION

FOI Section 35(1)(b) exemption Ministerial Communications

Exemption engaged:

Information requested relates to internal communications with the DAERA Minister.

Arguments in favour of disclosure

In considering the public interest in favour of disclosure the department recognises that there is a strong public interest in openness, transparency, and accountability with regard to the operation of the Executive Committee, and in ensuring that decision making can be assessed and understood. Disclosure might be considered to assist and inform more widespread discussion in regard to the work of the Executive Committee of the Northern Ireland Assembly.

Arguments in favour of maintaining the exemption

The release of Ministerial Communications has the potential to damage the concept of collective responsibility. Collective responsibility is the longstanding convention that all Ministers are bound by the decisions of the Executive Committee and carry joint responsibility for all government policy and decisions. The Pledge of Office affirmed by Northern Ireland Ministers upon taking office requires them “to support, and to act in accordance with, all decisions of the Executive Committee and Assembly”. Prior to such decisions being taken by the Executive Committee, it is however important that Ministers are able to express their own views freely, frankly and with candour within the Executive Committee.

Conclusion

Section 35(1)(b) exemption Ministerial Communications applies as it is essential that the Department protects the safe space within the Executive Committee to facilitate frank and honest debate, for Ministers to express themselves openly, honestly and completely, and to have the freedom to explore options as part of the process of deliberation, before arriving at an agreed position.

FOI EXEMPTION UNDER CONSIDERATION

FOI Section 43(2) Prejudice commercial interest

Exemption engaged:

Information relates to commercial information that could prejudice commercial operations.

Arguments in favour of disclosure

Transparency in policy development

- Disclosure would increase openness around how veterinary medicines policy is informed, including the role of industry and stakeholder engagement.

Accountability for stakeholder influence

- There is a public interest in understanding how commercial stakeholders contribute to policy discussions, particularly where decisions may affect costs or access to medicines.

Informed debate on a high-impact sector

- Veterinary medicines affect animal welfare, public health, farming costs, and food production.
- Disclosure would support scrutiny of decisions with economic and societal implications.

Arguments in favour of maintaining the exception

Protection of commercially sensitive information

- Working group discussions are likely to include commercially confidential material, such as:
 - pricing structures
 - supply constraints
 - market strategies
- Disclosure would be likely to prejudice the commercial interests of participating organisations.

Damage to fair competition

- Release of sensitive information could distort the market, giving competitors insight into:
 - pricing approaches
 - supply positions
 - strategic intentions
- This could lead to competitive disadvantage or market manipulation.

Impact on future stakeholder engagement

- Stakeholders participate on the expectation that commercially sensitive views will be handled appropriately.
- Disclosure would be likely to:
 - reduce willingness to engage
 - lead to more guarded or incomplete input
- This would weaken the evidence base for policy-making.

Undermining effective policy development

- High-quality policy in this area depends on detailed industry insight.
- If stakeholders limit what they share, it would:
 - reduce the accuracy of analysis
 - impair the effectiveness of decisions affecting supply and regulation

Potential impact on supply and availability

- Premature disclosure of issues such as supply constraints or regulatory changes could:
 - influence purchasing behaviour
 - create market instability or shortages

Conclusion

Section 43(2) applies as while disclosure would promote transparency and accountability in relation to the veterinary medicines working group, this is outweighed by the need to protect commercially sensitive information, the disclosure of which would be likely to prejudice the commercial interests of participating organisations. Disclosure would also risk undermining stakeholder engagement and the effective development of policy by limiting the willingness of industry to provide full and frank input.

Balance of the public interest

Having consider all the arguments for disclosure and for maintaining the EIR exceptions and FOI exemptions I have concluded there is a stronger argument for maintaining the EIR exceptions and FOI exemptions. Therefore, the information should not be disclosed.

A handwritten signature in cursive script that reads "Joseph Kerr".

**JOSEPH KERR
EMF EXECUTIVE SUPPORT BRANCH**