

ANNEX 6

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-417 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

1. *Copies of any current or historic Waste Management Licences, Waste Management Permits, Mining Waste Permits, Pollution Prevention and Control Permits, Waste Recovery Authorisations, Exemptions or other environmental authorisations relating to the site.*
2. *The reference numbers, issue dates and status of all such authorisations.*
3. *Details of any authorisation permitting the importation, acceptance, storage, treatment, recovery, recycling, deposition or disposal of materials originating from outside the quarry.*
4. *Copies of any approved restoration, remediation, recovery or infilling schemes involving imported materials.*
5. *Copies of all plans, drawings, site management plans, restoration plans or operational documents identifying areas approved for the placement of imported materials.*
6. *Details of all European Waste Catalogue (EWC) codes authorised for acceptance at the site, whether currently or historically.*
7. *Copies of all inspection reports, compliance assessments, audit reports, enforcement records, warning letters, notices or correspondence relating to:*
 - *imported soils;*
 - *imported topsoil;*
 - *inert waste;*
 - *quarry restoration;*
 - *waste recovery operations;*
 - *unauthorised waste activities.*
8. *Details of any complaints received concerning the importation or deposition of soils, topsoil, excavation spoil or other materials at the quarry and any subsequent investigations undertaken.*
9. *Copies of any technical assessments, environmental risk assessments, hydrogeological assessments or ecological assessments undertaken in connection with the importation or placement of materials at the site.*
10. *Details of any consideration given to the site's location within or adjacent to environmentally sensitive areas, including:*
 - *the Sperrins Area of Outstanding Natural Beauty (AONB);*
 - *the River Faughan Special Area of Conservation (SAC);*
 - *the River Faughan and Tributaries Area of Special Scientific Interest (ASSI).*

Confirmation as to whether NIEA considers the importation and deposition of soils, topsoil or other materials at the quarry to be authorised and, if so, under which specific authorisation

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

1. Names of NIEA employees

LAWFULNESS

Please identify the lawful bases for processing

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

The lawful bases 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 FOI 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.

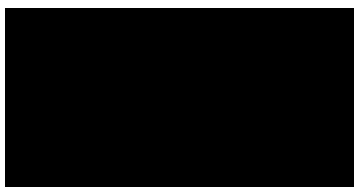
2. NECESSITY

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

Having considered all of the information contained within this test, the Department has established 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.



Waste Regulation Unit