

Public Interest Test –EIR

Reference Number – DAERA/26-344

Requested Information:

A breakdown of all legal cases NIEA took against a public body, Private company or individual from the period between 2020 to the date that the date of this request. Details requested include:

- Month/Year legal case taken
- Name of individual/company/public body action taken against
- Reason legal action taken
- Is this case concluded or ongoing
- If ongoing what was the outcome
- If there was a financial settlement, please provide details of it

Exception under consideration

Regulation 12(5)(b) – The course of justice and inquiries exception

Reasons why the public interest would favour disclosure:

- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.
- Regulation 12(2) requires the Department of Agriculture Environment and Rural Affairs (DAERA) to apply a presumption in favour of disclosure.

Reasons why the public interest would favour withholding:

- The requested information is linked to ongoing enforcement actions in line with the DAERA enforcement process. These incidents are being treated as if 'sub judice' so as not to influence due process.

Conclusion

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exemption does outweigh the public interest in disclosing the available information due to the effects any disclosure of correspondence regarding enforcement actions would potentially have on ongoing formal legal proceedings carried out by NIEA.

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Water Pollution Regulation and Enforcement Team