

**Northern Ireland Environment Agency
Regulation and Enforcement Division**



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Depairtment o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Our reference: DAERA/26-391



NIEA Regulation Unit
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Email: WRU.Queries@daera-ni.gov.uk

03rd July 2026

Dear Sir / Madam,

Environmental Information Regulations 2004

I refer to your request for information received by the Department on 9 June 2026 that sought the following information:

1. All waste returns submitted under WMEX 38/103 for the period of operation covered by the exemption, or for the most recent available years.
2. Details of the types and quantities of waste received, stored, treated, recovered, recycled, transferred, or disposed of under the exemption.
3. Any records showing annual throughput, tonnages, European Waste Catalogue (EWC) codes, and destinations of waste where recorded.
4. Any compliance assessments, audits, or correspondence relating to the submission and verification of waste returns for WMEX 38/103.

Please note the quarterly waste returns as submitted by the operator to NIEA / DAERA only contain the geographic area to which the waste is next sent i.e. not the next nor end destination facility. Consequently, under Regulation 12(4)(a) the

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Department is excepted from the duty to disclose 'destinations of waste' information in (3) on the grounds that the information sought is not held.

Details of the waste treatment e.g. stored, treated, recovered, recycled, transferred, or disposed of in (2) are described by the R code used. The meaning of this code, if required, can be found at the weblink below to Annexes I and II of the Waste Framework Directive:

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02008L0098-20251016#anx_I

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested. The information held which can be disclosed is attached to this emailed reply as DAERA 26-391 emails.pdf and DAERA 26-391 data.csv.

Regulation 13 (personal data) applies as some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle, which states that processing must be lawful, fair and transparent.

The Department has considered this element within the test attached at Annex A and has determined that no lawful basis for disclosure under FOI / EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the "world at large" and not just to you, the requester. Consequently, third party personal data falling within the scope of this request has been withheld.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the way your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane,

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Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,



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ANNEX A LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-391 - Environmental Information Regulations 2004 (EIR)

Request Details:

Correspondence relating to quarterly waste returns for 1 authorisation in 2020-2026.

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

Names and phone nos of staff from NIEA and the authorisation holder.

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

Having considered all of the information contained within this test, the Department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request [of which the requester is not the data subject.]

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