

ANNEX A

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-487 - Environmental Information Regulations 2004

Request Details: Please provide a copy of the most recent Moy Park Litter Utilisation Strategy

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

Names and contact details of third party individuals who are not the requester.

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

Disclosure of personal data under EIR is to the world at large and doing so on the strength of the requester's private interests alone would 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 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 a 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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