

Public Interest Test – EIR

Reference Number – DAERA/26-469

Requested Information

For each complaint received in each of the last five financial years (2021/22, 2022/23, 2023/24, 2024/25 and 2025/26), please provide:

- Whether an investigation was undertaken;
- The outcome of the investigation;
- Whether the complaint was substantiated, partially substantiated or unsubstantiated;
- Any enforcement, compliance or regulatory action taken as a result.

Furthermore may I ask for:

- Any guidance, policy or internal procedures currently used by IPRI for recording, categorising, investigating and reporting complaints from members of the public.

Exemption / Exception under consideration

Under Regulation 12(4) (b) of the Environmental Information Regulations 2004, the Department can refuse to provide environmental information if the request for information is manifestly unreasonable. If a substantial amount of work is involved in processing the request, the Department can decline to provide a response provided that the public interest is weighed in favour of not responding.

And,

Regulation 12(5)(b) of The Environmental Information Regulations 2004 - the course of justice, the ability of a person to receive a fair trial or the ability of the public authority to conduct an inquiry of a criminal or disciplinary nature.

Reasons why the public interest would favour disclosure:

- There is a general public interest in the openness and transparency of government e.g. in the regulation of permitted sites;
- To show compliance with the EIR by disclosing information held by the Department as a Public Authority;
- Provide assurance that the Department is operating within the appropriate legislative framework and justice is being seen to be done;
- 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:

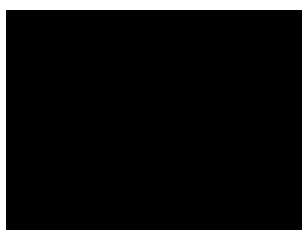
- A disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.
- The cost of compliance with the request is too great.
- The burden of responding to other requests on the same subject from the same requester.
- Disclosure of the requested information could prejudice the course of justice by placing material relevant to those proceedings into the public domain outside of the court process.
- Disclosure may undermine the ability of parties to receive a fair hearing and could interfere with the proper administration of justice.
- There is a strong public interest in ensuring that matters subject to legal proceedings are considered by the courts without prejudice.

Conclusion

Following consideration of the Public Interest Test the Department has decided that under Regulation 12 (4) (b) of EIR Regulations 2004 by requesting the specified information over a 5-year period the Department considers this to be manifestly unreasonable based on the cost and diversion of resources in dealing with this query. The Department would reconsider their position if the request was resubmitted for a period of two years. This would give a representative sample of complaints.

And,

It has been determined that under Regulation 12 (5) (b) of EIR Regulations 2004, the public interest in maintaining the exception outweighs the public interest in disclosing the information at this stage. Whilst investigations and regulatory actions are ongoing, release of the requested information will have an adverse effect on the course of justice. This is due to the effects any disclosure of internal procedures currently used by IPRI for recording, categorising, investigating and reporting complaints from members of the public may have on IPRI's ability to regulate industry.



Industrial Pollution and Radiochemical Inspectorate