

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-473

Environmental Information Regulations 2004 (EIR)

Request Details

The Requester has sought the following information:

Details of all DAERA and associated bodies' or agencies' communications and correspondence (both electronic and physical, internal and external) in relation to the Ulster Farmers' Union and Lough Neagh since 2019. This would include, but is not restricted to:

- 1) Letters, email, electronic messenger and any other communications discussing this.
- 2) Minutes and any other records from meetings and engagements (virtual, hybrid and in-person).
- 3) The time(s), date(s), venue(s) and a full list of attendees of any such meetings and engagements (virtual, hybrid and in-person).
- 4) Any presentation materials circulated or used at any such meetings and engagements.
- 5) Any briefing notes or documents shared or used at any such meetings and engagements.

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

The requester has sought information relating to communications and correspondence between all DAERA and associated bodies or agencies in relation to the Ulster Farmers' Union and Lough Neagh since 2019.

The information gathered in relation to this request contains names of officials below Grade 5 level and also names of others who attended the meetings, events and received communications in this regard. The documents have been reviewed and redacted as necessary to remove the names of individuals who are not officials at Grade 5 level and above and those who attended events / meetings from external bodies.

LAWFULNESS

Please identify the lawful bases for processing

Personal data is processed when it is lawfully disclosed in response to an 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

Regulation 12(3) and 13(1) of EIR 2004 – Personal Data of which you are not the data subject

As the disclosure of personal data under 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.

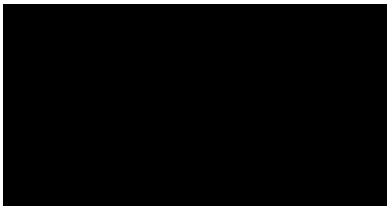
2. NECESSITY

The right of access under 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.



Environment, Marine and Fisheries Group (DAERA)