

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-477 - Environmental Information Regulations 2004 (EIR)

Request Details:

Details of all Department communications and correspondence (both electronic and physical, internal and external) in relation to the contemplation or proposed application of civil contingencies legislation in relation to Lough Neagh and drinking water supply in Northern Ireland since 2023. 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, date, venue and 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

For requests 1, 2, 3, 4 and 5, names, addresses, email details, telephone numbers and job descriptions leading to the ability to identify living individuals have been identified in documents selected for disclosure.

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 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.

