DAERA/26-504: Public Interest Test (PIT) - ANNEX B

Assessment of EIR request from requester

Subject of public interest test

Historic funding, audit, compliance and correspondence records relating to Lough Neagh Fishermen's Co-Operative Society Ltd from 1992 to present.

Exceptions being considered

Regulation 12(4)(b) – Manifestly Unreasonable Request

Regulation 12(4)(b) permits a public authority to refuse a request where the request is manifestly unreasonable, including where compliance would impose a disproportionate burden on resources. The requester was invited to refine the scope of these requests. In response, the requester confirmed that, where a date range was required, the request should extend from 1992 to the present day and did not narrow the categories of records sought.

Reasons for Disclosure:

i. Regulation 12(2) establishes a presumption in favour of disclosure.
ii. Disclosure would promote transparency in relation to public funding, fisheries management and decisions affecting access to Lough Neagh.
iii. Disclosure would support public confidence in environmental and fisheries governance.

Reasons against Disclosure:

i. Compliance would require searches across multiple current and historic record systems covering a period of more than three decades.
ii. The requests encompass extensive categories of correspondence, funding records, grant records, audit records, compliance records, monitoring reports and associated documentation.
iii. Significant staff resources would be required to identify, retrieve, review and assess information potentially falling within scope.
iv. Any records identified would then require detailed consideration for relevance, application of exceptions, redaction and disclosure.
v. Compliance would result in a disproportionate diversion of resources from the Department's core operational functions.

Conclusion:

In applying the public interest test, the Department recognises the presumption in favour of disclosure and the public interest in transparency concerning fisheries management, public funding and recreational angling on Lough Neagh.
However, having considered the scope of the requests, the timeframe involved, the volume of records potentially falling within scope and the significant burden that compliance would impose on departmental resources, the Department considers that the public interest in maintaining the exception outweighs the public interest in disclosure.

The Department has therefore concluded that request's 2(a), 2(b), 2(c), 9(k) and 9(q) are manifestly unreasonable and should be withheld under Regulation 12(4)(b) of the Environmental Information Regulations 2004.

[redacted]
DAERA Marine & Fisheries Division