

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-508 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

- 1. A copy of any existing, expired, revoked or surrendered waste exemption certificates or registrations for Lisbane site located at Tandragee including Lisbane Landfill, the Materials Recovery Facility (MRF) and any other waste management activity undertaken within the site*
- 2. Details, if applicable, of the exemption certificate or registration, the exemption reference number, the exemption category/type, the dates on which the exemption commenced and, where applicable, ceased to have effect, and any plans, schedules or conditions*

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

1. Names/signatures of NIEA employees

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

As the disclosure of personal data under FOIA or 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 FOI or 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.



Waste Regulation Unit