

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-619 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

Please provide copies of all communications and records held by NIEA and/or DAERA, in any format (including emails, text messages, WhatsApp or other instant messages, internal memoranda, file notes, and minutes or notes of meetings or calls), dated between 1 July 2026 and the date of this request, that record or relate to:

1. the consideration, drafting and approval within NIEA/DAERA of the response sent to me enclosing a CCS complaint form, in reply to my formal complaint of 22 July 2026 concerning NWP Keady (PPC Permit P0479/15A/V1) – including any internal discussion of, or decision on, why that form of response was adopted rather than a direct NIEA investigation, sampling exercise, or site inspection; and
2. any communication, in either direction, between NIEA/DAERA and the Compost Certification Scheme (CCS), Renewable Energy Assurance Limited (REAL), or any certification body operating under the CCS, concerning NWP Keady, PAS100 or CQP compliance at that site, or my complaint.
3. Any communication between NIEA and NWP regarding the contents of the letter of 22 July 2026

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

1. Names/signatures of NIEA employees
2. Names/signatures of other agency 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.

[REDACTED]

Waste Regulation Unit