

Annex B Public Interest Test – EIR

Reference Number – DAERA/26-667

Requested Information

For the period 1 January 2018 to the date of this request (28/08/26), the following records relating to PPC permits held by Limited Companies for intensive pig and poultry sites:

- Compliance Assessment Reports;
- Breaches and exceedances;
- Enforcement action;

Exemption / Exception under consideration

Regulation 12(5)(b) of The Environmental Information Regulations 2004 - the course of justice, the ability of a person to receive a fair trial or the ability of the public authority to conduct an inquiry of a criminal or disciplinary nature

Regulations 12(3) and 13(1) of The Environmental Information Regulations 2004 - the information requested includes personal data of which the applicant is not the data subject.

Reasons for Disclosure:

- There is a general public interest in the openness and transparency of government e.g. in the regulation of permitted sites;
- To show compliance with the EIR by disclosing information held by the Department as a Public Authority;
- Provide assurance that the Department is operating within the appropriate legislative framework and justice is being seen to be done;
- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently;
- Regulation 12(2) requires the Department of Agriculture Environment and Rural Affairs (DAERA) to apply a presumption in favour of disclosure.

Reasons for Non-Disclosure:

- Some of the requested information is linked to ongoing enforcement actions in line with the DAERA enforcement process; The incident at one of the regulated sites is being treated as if 'sub judice' so as not to influence due process;
- Release of information would inhibit and hinder ongoing investigations;
- Disclosure of the requested information could prejudice the course of justice by placing material relevant to those proceedings into the public domain outside of the court process.
- Disclosure may undermine the ability of parties to receive a fair hearing and could interfere with the proper administration of justice.
- There is a strong public interest in ensuring that matters subject to legal proceedings are considered by the courts without prejudice.
- The information is the personal data of a person other than the applicant and of staff carrying out inspections.

Conclusion

It has been determined that under Regulation 12 (5) (b) of EIR, the public interest in maintaining the exception outweighs the public interest in disclosing the information at this stage. Whilst

investigations and proceedings are ongoing, release of the requested information will have an adverse effect on the course of justice. This is due to the effects any disclosure of correspondence regarding enforcement actions would potentially have on ongoing formal legal proceedings.

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