

REVISED LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-501

Environmental Information Regulations 2004

Request Details:

- Information that contains references to Moy Park and Lough Neagh together, where Moy Park is the actor and the information relates to the following subjects: water quality, pollution, nutrients, enforcement and regulation.
- The information is DAERA information and where the department holds the information for the following agencies; NIEA, Shared Environmental Services, AFBINI, Livestock and Meat Commission NI.
- The information covers the period between January 2021 and the date for which most recent data is available for 2026.
- Key search areas are Green Growth, Going for Growth, Lough Neagh Action Plan, waste/litter management, nutrients, grower farms, soil samples, falsification, fraud, enforcement, fines, planning.

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

Names are contained in the documents being released that identify employees of Moy Park Ltd and 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:** The data subject(s) have not given consent that allows disclosure of the personal data falling within the scope of this request. Staff and employees could not have anticipated that this information would be released under FOI.
- ☐ **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.

2. NECESSITY

The right of access under an 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

The release of Personal Data would 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. The Department has established that, on balance, there is no lawful basis for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

Industrial Pollution & Radiochemical Inspectorate