

REVISED LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-636

Environmental Information Regulations 2004

Request Details:

- 1. Permits and consents held.** A list of the environmental permits, authorisations and consents held by Moy Park that are regulated by NIEA — for example Pollution Prevention and Control (PPC) permits, discharge consents and waste management permits — with permit/consent numbers, the site to which each relates, and its current status (including any variations, suspensions or surrenders).
- 2. Compliance assessment.** The compliance assessment reports and inspection records for those permitted installations, together with the compliance rating or Compliance Classification Scheme (CCS) score recorded for each, by year.
- 3. Breaches and exceedances.** Any recorded breaches of permit conditions, exceedances of discharge or emission limits, and pollution incidents attributed to those installations, by year.
- Enforcement action.** All enforcement or regulatory action taken by NIEA in relation to those installations — for example warning letters, enforcement, suspension or revocation notices, formal cautions, prosecutions, and any fines or penalties — by year and by type.
- 5. Nutrient / litter management held by NIEA.** Any records NIEA holds concerning the management of nutrients or poultry litter arising from Moy Park's regulated installations, insofar as these relate to discharge, disposal or environmental impact and are held by NIEA (rather than by the individual grower holdings).

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