

REVISED LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-736

Environmental Information Regulations 2004

Request Details:

1. Information on any sand dredging companies who have breached their licenses in Lough Neagh in the last three years including 1. The number of breaches 2. The nature or details of each breach 3. Details of any enforcement action taken.

Secondly, 1. How many pollution incidents have occurred in or around Lough Neagh or its major tributaries in the past 3 years?

a. Please include the full pollution incident report for each

b. Please provide information on any enforcement action taken in each case.

2. How many exceedance notices have been issued to Moy Park in the past 3 years at its sites in Dungannon, Ballymena and Nutt's Corner in relation to its discharges to sewers and waterways?

Please provide each of these exceedance notices and related correspondence?

b. What enforcement action has been considered or taken against Moy Park in the past 3 years?

3. How many breaches of a discharge consent issued to Moy Park have been detected in the past 3 years?

a. Please provide any relevant information on each breach, including sampling data, related correspondence etc.

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