

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26 613 - Environmental Information Regulations 2004 (EIR)

Request Details

The Requester has sought the following information regarding Roughan Lough, Newmills, Dungannon Co Tyrone.

Please provide the following information:

5. Copies of any lease, licence, access agreement, wayleave, easement or other arrangement made between the Department and the owners or occupiers of Roughan Lough and the surrounding land.
6. Records identifying who owned the lough, car-park site and access lane when the Departmental investment was undertaken

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

The information being withheld comprises the names, addresses, signatures and other identifying details of private individuals contained within historic lease documents disclosed in response to Questions 5 and 6.

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 concluded that disclosure of the third-party personal data contained within the lease documents would be unlawful and would contravene the data protection principles set out in UK GDPR. Accordingly, the information has been withheld under Regulation 13 of the Environmental Information Regulations 2004.

[REDACTED]

MARINE & FISHERIES DIVISION