

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-638 - Environmental Information Regulations 2004 (EIR)

Request Details:

This request seeks records detailing the actions considered or undertaken by the Department and its predecessor bodies to protect fish stocks in the Quoile River following correspondence dated 31 January 2012.

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

Names of elected representatives and Departmental officials acting in their official or professional capacities have not been withheld solely because they are personal data. The proposed redactions are limited to personal contact details where disclosure is not necessary to understand the Department's actions or decisions.

LAWFULNESS

Please identify the lawful basis for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful basis for processing is 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

The Department has concluded that:

- there is no lawful basis for disclosing the personal contact details;
- disclosure would not be necessary or proportionate;
- disclosure would be unfair to the individuals concerned; and

- disclosure would contravene the first data protection principle of lawfulness, fairness and transparency.

Accordingly, the personal contact details have been withheld under **Regulation 13(1) of the Environmental Information Regulations 2004**.

Regulation 13(1) is an absolute exception and is not subject to the public interest test.

[REDACTED]

[REDACTED]

DAERA Inland Fisheries