

DAERA/26-550

Public Interest Test – EIR

Requested Information

I refer to your e-mail on 5 August 2026 requesting information in relation to the implementation of the Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024:

1. Any guidance, policy, procedure, briefing, legal advice or other recorded information held by DAERA explaining the quality assurance process applied to Climate Change Mitigation Reports and Climate Change Adaptation Reports submitted under the Regulations.
2. Any recorded information identifying the legal or policy basis for delaying publication of submitted reports pending completion of DAERA's quality assurance process.
3. Any guidance, circulars, emails, letters or other communications issued by DAERA to reporting bodies concerning:
 - publication of submitted reports;
 - whether reporting bodies should or should not publish their reports before DAERA publishes them; and
 - the interaction between Regulation 10, concerning correction of reports, and Regulation 11, concerning publication of reports.
4. Any recorded information explaining DAERA's interpretation of Regulation 11 in relation to when:
 - reporting bodies are required or expected to publish reports submitted under the Regulations; and
 - DAERA is required or expected to publish reports received from reporting bodies.
5. Please identify the specific statutory provision, if any, which DAERA considers permits a reporting body to delay publication of a report after it has been submitted under the Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024.
6. If DAERA does not rely on a specific statutory provision, please provide any guidance, policy, legal advice, briefing or other recorded information explaining the basis on which reporting bodies are advised or expected to delay publication pending completion of DAERA's quality assurance process.

7. Please provide any timetable, target date, publication schedule or other recorded information showing when:
- the first mitigation reports are expected to be published by DAERA;
 - the first adaptation reports are expected to be published by DAERA; and
 - reporting bodies are expected to publish those reports on their own websites.

Exception under consideration

- Regulation 6(1)(b) - The information is already publicly available and easily accessible to the applicant in another form or format.
- Regulation 12(4)(d) - Material in the course of completion, unfinished documents, and incomplete data.
- Regulation 12(4)(e) - The request involves the disclosure of internal communications.
- Regulation 12(5)(b) - The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

Reasons why the public interest would favour disclosure:

- Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and DAERA is committed to conducting its business in a manner that is as open and transparent as possible.
- Disclosure would lead to greater transparency and accountability.
- There is significant interest among the public in matters concerning the environment.

Reasons why the public interest would favour withholding:

- Regulation 6(1)(b) - The information is already publicly available and easily accessible to the applicant in another form or format.

This exception has been engaged as the relevant information is available through publicly accessible sources relating to the implementation of The Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024.

- Regulation 12(4)(d) - Material in the course of completion, unfinished documents, and incomplete data.

This exception has been engaged as it applies to material (i.e. draft documents relating to the quality assurance and correction process) that are in the course of completion, have incomplete data, or contain information relating to material still in the course of completion, including unfinished versions of draft documents.

The draft documents form part of the Department's internal deliberation and ongoing decision-making processes around its approach to implementing the reporting requirements and associated quality assurance and corrections review for the first reporting cycle. The records form part of ongoing administrative and operational processes and do not represent a finalised position. Disclosure could result in incomplete or potentially misleading information being placed in the public domain.

- Regulation 12(4)(e) - The request involves the disclosure of internal communications.

This exception has been engaged as it applies to material which would involve the disclosure of internal communications. The records comprise internal correspondence relating to the development of the Department's approach, including working documents, proposals and legal advice obtained in relation to the practical application of Regulations 10 and 11 of The Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024.

Officials should be permitted to discuss, develop and refine proposals within a safe space to support effective decision-making processes without concern over the potential disclosure of evolving views before an agreed approach has been reached.

- Regulation 12(5)(b) - The release of certain material could adversely affect the course of justice.

The records comprise communications between officials and the Departmental Solicitors Office seeking legal advice in relation to the practical application of Regulations 10 and 11.

This exception has been engaged as under regulation 12(5)(b) a public authority may refuse disclosure to the extent that its disclosure would adversely affect “the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature”.

The expression “course of justice” is not defined and has a wide meaning, and as indicated in the ICO Guidance, the exception may potentially be claimed where a request is received for information covered by legal professional privilege (LPP).

LPP protects advice given by a lawyer to a client and confidential communications between them about that advice. There is a strong public interest in government being able to seek and receive frank and confidential advice from its legal advisers that is free from external pressure in the process leading to the advice. ICO guidance confirms that this exception can be applied to material covered by LPP.

Conclusion

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exceptions outweighs the public interest in disclosing the information.

Officials should be able to develop and consider policy proposals, processes and associated advice without concern over the disclosure of information relating to matters that remain under development.

Therefore, the draft policy documents, internal correspondence and associated legal advice will not be disclosed for the reasons stated above.

[REDACTED]