

DAERA/26-550

Lawfulness, Fairness and Transparency Test - EIR

Requested Information

I refer to your e-mail on 5 August 2026 requesting information on 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.

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

Following the submission of the Mitigation reports in October 2025 and Adaptation reports in March 2026 we were contacted by a few public bodies requesting corrections to their reports. The emails contain names and contact details of officials and third party individuals who are not the requester.

LAWFULNESS

Please identify the lawful basis for processing

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

The lawful basis 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 FOI 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 established that, on balance, there is no lawful basis for the disclosure of officials and third-party personal data falling within the scope of the request of which the requester is not the data subject.

