

**Northern Ireland Environment Agency
Regulation and Enforcement Division**



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Our reference: DAERA/26-510

[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

NIEA Regulation Unit
17 Antrim Road
Lisburn
Tonagh
BT28 3AL

Email: WRU.Queries@daera-ni.gov.uk

11 September 2026

Dear [REDACTED],

Environmental Information Regulations 2004

I refer to your request for information received by the Department on 30 July 2026 (noting our colleague's emails of 26/8 and 3/9/26 re the delay) that sought the following information:

NIEA Materials Facility (MF) Reporting dataset for the calendar year 2025.

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested. The information held which can be disclosed is attached to this emailed reply as DAERA 26-510 declaredMFs.csv, DAERA 26-510 MFinputdata.csv and DAERA 26-510 MFoutputdata.csv.

Regulation 13 (personal data) applies as some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data

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Protection Principle, which states that processing must be lawful, fair and transparent.

The Department has considered this element within the test attached at Annex A and has determined that no lawful basis for disclosure under FOI / EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the “world at large” and not just to you, the requester. Consequently, third party personal data falling within the scope of this request has been withheld.

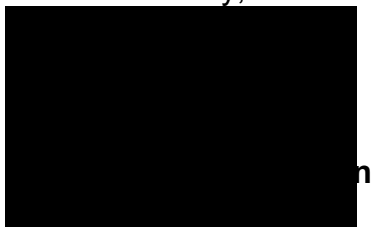
Further, the Department has decided not to disclose some of the information you requested as it considers Regulation 12(5)(e) to be engaged. In these instances, the Department is legislatively required to consider the public interest in disclosure. An associated Public Interest Test has been conducted and is attached for your information at Annex B.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the way your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department’s decision.

Yours sincerely,

A large black rectangular box redacting the signature of the sender.

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ANNEX A LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-510 - Environmental Information Regulations 2004 (EIR)

Request Details:

NIEA Materials Facility (MF) Reporting dataset for the calendar year 2025.

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

Names, positions and phone nos of MF authorisation holders' staff.

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

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 third-party personal data falling within the scope of the request [of which the requester is not the data subject.]

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ANNEX B Public Interest Test – EIR

Reference Number – DAERA/26-510

Requested Information

NIEA Materials Facility (MF) Reporting dataset for the calendar year 2025.

Exemption / Exception under consideration

Environmental Information Regulations 2004 - Regulation 12(5)(e) - adversely affect the confidentiality of commercial or industrial information.

Reasons why the public interest would favour disclosure:

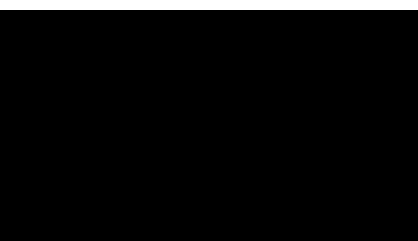
- Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure.
- DAERA is committed to conducting its business in a manner that is as open and transparent as possible.

Reasons why the public interest would favour withholding:

- The release of additional data such as customers / businesses / contractors which have been mentioned in the context of sampling MF return data would reveal the operations and strategic business information of those MF operators.
- To release this information would cause a substantial prejudice to the commercial undertaking and economic interest to the company, which impacts on the public interest of the wider economy and is therefore not in the wider public interest to release in this case.

Conclusion

In considering the Public Interest Test in relation to the use of this exception the Department recognises that Regulation 12(2) requires DAERA to apply a presumption in favour of disclosure and to be as open and transparent as possible. Therefore, whilst the requested correspondence can be released, certain details have been assessed as commercially confidential and removed. Withholding the information under Regulation 12(5)(e) allows the operation of a fair market without unfair advantage being given to competitors, therefore the wider public interest in favour of disclosure is outweighed by that in favour of withholding.



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