

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-599 - Environmental Information Regulations 2004 (EIR)

Request Details:

1. *A copy of the full record of the inspection carried out at Warrenpoint Port on 6 August 2026, including the inspection report, the officer's contemporaneous notes, any completed pro forma or checklist, any photographs, and the compliance determination recorded.*
2. *All odour assessment readings taken during or in connection with that inspection, including every H4-type sniff test or odour intensity reading recorded, with, for each reading: the time, the location or receptor point, the intensity score and the scale used, the odour character or descriptor recorded, the wind direction and speed, and the identity or role of the assessing officer.*
3. *The weather and dispersion conditions recorded for the day, and the times of arrival at and departure from the site.*
4. *Any correspondence, telephone note or internal email arranging, prompting or reporting on that inspection, including any prior notice given to the operator or to Warrenpoint Harbour Authority.*
5. *The name and version of the odour assessment methodology or guidance applied on the day.*

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

1. Names of NIEA employees

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 established that, on balance, no lawful basis exists for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

[REDACTED]

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