

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-673 – Environmental Information Regulations 2004 (EIR)

Request Details:

Request received by the Department on 28 August 2026 requesting the identity of the person claiming on lands at 107 Ballyneill Road, The Loup, BT45 7TE and 107b (5/004/154, 1B, 3 and 4 and 5/004/850 6).

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

The personal data within the scope of the request relates to claimant information the Department holds, of which the requester is not the data subject.

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 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.

3. CONCLUSION

Having considered all of the information contained within this test, and in the absence of any 3rd party consent, it has been determined that no basis exists for the disclosure of the information requested.