

Public Interest Test – Regulation 12(4)(a) (Information Not Held)

Reference Number – DAERA/26-623

Requested Information

The applicant requested:

Information regarding if Titanic Spring Water Ltd., Co Reg number 15904234, Director Tony Smith is registered to abstract water from the Black Mountain, Belfast and the location of any wells North of the Dermott Hill Estate in postcode area BT 12.

Engagement of the Exception

Regulation 12(4)(a) allows a public authority to refuse information to the extent that it does not hold the information when the request is received.

A search of relevant systems, departments and project files confirms that the Department does not hold the information requested.

Therefore, the exception at Regulation 12(4)(a) is engaged.

Public Interest Test

Although Reg. 12(4)(a) concerns information *not held*, the public interest test must still be applied, as required by Regulation 12(1)(b), which states that information may only be refused if the public interest in maintaining the exception outweighs the public interest in disclosure.

Factors in Favour of Maintaining the Exception

1. The Department Cannot Disclose Information It Does Not Hold
There is an inherent public interest in accurate and lawful responses. Providing fabricated, speculative or incomplete information would mislead the public and undermine confidence in environmental regulation.
2. Efficient Use of Public Resources
Attempting to locate, reconstruct, or acquire information the authority does not hold would place unreasonable burdens on staff and divert resources from statutory functions.
3. Preserving Clarity About Statutory Responsibilities
It is in the public interest to make clear when another body — such as an environmental regulator, private contractor, or different authority — is the appropriate holder of the requested information.

Balance of Public Interest

While there is strong public interest in transparency around environmental monitoring, this cannot outweigh the fact that the authority does not hold the requested information. Maintaining the exception supports clarity, legal compliance, and prevents the release of incorrect or misleading material.

On balance, the public interest in maintaining the exception outweighs the public interest in disclosure.

Outcome

The request is refused under **Regulation 12(4)(a)** of the Environmental Information Regulations 2004 because the authority does **not** hold the information requested.

Abstraction and Impoundment Licensing (AIL) team