

Public Interest Test – FOI

Reference Number – DAERA/26-746

Requested Information

Copies of any correspondence:

- 1. between the current Minister and Moy Park, since February 2024.***
- 2. between the Perm Sec and Moy Park, between February 2022 and February 2024***
- 3. between the then-Minister and Moy Park, between January 2020 and February 2022***

AND

- 4. any Internal Memos/Submissions for the Minister (or Perm Sec) relating to Moy Park, since Jan 2020***

Exemption / Exception under consideration

Section 31 (1) Law Enforcement

Section 41 - Information provided in confidence

Section 43 (2) - Commercial Interest

Reasons why the public interest would favour disclosure:

- Public interest in transparency
- The public's "right to know".

Reasons why the public interest would favour withholding:

- DAERA carries out regulatory activities in implementation of EU and national legislation (a purpose as described by Section 31-(2)).
- The information provided by the business was provided in confidence (Section 41). Disclosure of this information would be a breach of this confidence.
- The commercial interests of the business are likely to be prejudiced by the disclosure of this information. Commercially sensitive details relating to the business are included (Section 43 (2)).
- Information such as that provided by the business is provided in confidence on a voluntary basis to assist DAERA in regulatory implementation. Gaining

and maintaining the voluntary co-operation of organisations in providing relevant information and providing safe space to do is fundamental to the ongoing effectiveness of regulatory implementation. Disclosure of the detailed investigatory information could prejudice the Department's ability to conduct this and similar regulatory investigations effectively. This is particularly significant in this case as the investigation concerned identified an anomaly within laboratory testing procedures which resulted in false-positive results being reported. Subsequently, publication of this information would prejudice this activity through potentially reducing the co-operation of organisations who would fear their commercial interests could be harmed through the publication of such information provided in confidence. (Section 41), (Section 31 (1) (g)).

Conclusion

Following the consideration of the Public Interest Test the Department has decided that on balance the public interest in maintaining the exemptions outweighs the public interest in disclosure.

Disclosure could negatively impact the commercial interests of the business.

The business provided information in confidence and expects that it would not be put in the public domain.

Of importance to the regulatory responsibilities and effectiveness of DAERA, the co-operation of businesses in supplying relevant information on a voluntary basis is very significant for the effective discharge of these duties. Disclosure is likely to prejudice this ongoing co-operation.

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