

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-686 - Environmental Information Regulations 2004 (EIR)

Request Details:

Request for environmental information relating to the watercourse at Lisnabreeny Road associated with Planning Application LA05/2022/1020/F and the related Schedule 6 culverting consent, including site inspection records, correspondence, photographs, maps and assessment information.

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

The records contain third-party personal data including names, email addresses, telephone numbers, signatures and other identifying information relating to individuals who are not the requester. The personal data appears within correspondence, supporting documents and associated records held by DAERA Inland Fisheries.

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.

Accordingly, the personal contact details have been withheld under **Regulation 13(1) of the Environmental Information Regulations 2004**.

Regulation 13(1) is an absolute exception and is not subject to the public interest test.

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DAERA Inland Fisheries