

Reference Number: DAERA/26-729
Request Details:
Information held regarding Mowi
Scotland Ltd's application to amend a
Fish Culture Licence and Aquaculture
Establishment Approval.



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

DAERA Marine and Fisheries Division
Marine and Aquaculture Licensing

[REDACTED]
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14 October 2026

Dear [REDACTED],

Environmental Information Regulation 2004

I refer to your request for information received by the Department on 16 September 2026 that sought the following information:

Information held regarding Mowi Scotland Ltd's application to amend a Fish Culture Licence and Aquaculture Establishment Approval.

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested.

The information held which can be disclosed is attached in **Annex 1-8**.

The Department has decided not to disclose some of the information you requested as it considers Regulation 12 (4)(d), Regulation 12 (4) (e) and Regulation 12 (5)(e) to be engaged. In these instances, the Department is legislatively required to consider the public interest in disclosure. An associated Public Interest Test has been conducted and is attached for your information at **Annex A**.

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contact the Department via the Next Generation Text
Relay Service by dialling 18001 + telephone number.

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Some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle, which states that processing must be lawful, fair and transparent.

The Department has considered this element within the test attached at **Annex B** and has determined that no lawful basis for disclosure under EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the “world at large” and not just to you, the requester. Consequently, third party personal data falling within the scope of this request has been withheld.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department’s decision.

Yours sincerely,


Marine and Aquaculture Licensing Branch

Annex A - Public Interest Test –EIR

Reference Number – DAERA/26-729

Requested Information

Information held regarding Mowi Scotland Ltd's application to amend a Fish Culture Licence and Aquaculture Establishment Approval.

Exception under consideration

Exception Regulation 12 (4)(d) – Material in the course of completion is engaged.

Reasons why the public interest would favour disclosure:

- Promotes transparency and accountability in DAERA's decision-making process.
- Allows the public to understand how environmental decisions are being determined.
- Facilitates public scrutiny of regulatory activities affecting the aquatic environment.
- Enhances confidence in the licensing/ approval process.

Reasons why the public interest would favour withholding:

- The documents comprise draft assessments, incomplete analyses and developing recommendations which do not represent DAERA's final position.
- Disclosure of incomplete information may prejudice the effective conduct of the decision-making process by exposing incomplete thinking and evolving views.
- Officials require a safe space to develop, test and refine options before reaching a final decision.

Conclusion

Following consideration of the Public Interest Test (PIT) the Department has decided while there is a significant public interest in understanding how aquaculture applications are assessed, on balance the PIT favours maintaining the exception. The withheld information includes draft assessments, incomplete analyses and developing recommendations and disclosure has the potential to undermine the effective and robust assessment process.

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Exception under consideration

Exception Regulation 12 (4)(e) – Internal communications is engaged

Reasons why the public interest would favour disclosure:

- Increases transparency regarding the approach taken by officials when assessing environmental impacts.
- Encourages accountability for advice and recommendations provided during the determination process.
- Enables greater public understanding of how decisions are reached.
- Supports openness in environmental governance.

Reasons why the public interest would favour withholding:

- Officials require a private thinking space in which to exchange candid views and advice.
- Disclosure may inhibit the free and frank exchange of views required for robust decision-making.
- Internal discussions often contain preliminary opinions that may change as further evidence becomes available.
- There is a strong public interest in ensuring regulators can reach decisions based on full and honest internal consideration of all available evidence.

Conclusion

Following consideration of the PIT the Department recognises the importance of transparency. However, the public interest is better served by protecting the integrity of the decision-making process by ensuring internal conversations on information can occur openly. Therefore, the Department has decided on balance the PIT favours maintaining the exception.

Exception under consideration

Exception Regulation 12 (5) (e) – Commercial confidentiality is engaged

Reasons why the public interest would favour disclosure:

- Enables public scrutiny of information relied upon in environmental decision-making.
- Allows greater understanding of proposals that may affect the environment.
- Promotes openness concerning activities requiring regulatory approval.

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Reasons why the public interest would favour withholding:

- Disclosure could adversely affect the commercial interests of the applicant or third parties.
- The information may include commercially sensitive operational, financial or business information.
- There is a public interest in businesses being able to provide information to regulators without suffering unjustified commercial harm.
- Disclosure could damage legitimate economic interests and potentially distort competition.

Conclusion

Following consideration of the PIT the Department recognises disclosure would increase transparency however, has decided to maintain the exemption. The public interest in protecting legitimate commercial interests outweighs the benefit of disclosure where disclosure would cause real commercial prejudice and the information is not otherwise publicly available.

Marine Licensing Branch – Aquaculture Licensing Team

ANNEX B - LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-729 - Environmental Information Regulations 2004 (EIR)

Request Details:

Information held regarding Mowi Scotland Ltd's application to amend a Fish Culture Licence and Aquaculture Establishment Approval.

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

Data redacted from Annex 1 – 8 includes personal as opposed to business names, addresses, phone numbers and email addresses. It also includes the redaction of signatures.

LAWFULNESS

Personal data is processed when it is lawfully disclosed in response to an 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 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 of which the requester is not the data subject.

Marine Licensing Branch – Aquaculture Licensing Team

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