

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-731 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

Please provide copies of the following:

(a) The application made by Re-Gen Waste Ltd for licence LN/20/18, including the completed application form, any covering letter, and any amendments to the application before the licence was signed. Please also confirm the date on which the application was received.

(b) Any document submitted with, or in support of, that application (or otherwise received by NIEA before the licence was signed) evidencing that Re-Gen Waste Ltd was in occupation of, or held a legal interest in, the land specified in Schedule 1. This includes any lease, licence to occupy, landowner's consent, or written confirmation of any such arrangement.

(c) Any planning permission, certificate of lawfulness, or written confirmation from Newry, Mourne and Down District Council (or its predecessor council) that was submitted with the application, or otherwise held by NIEA in connection with the grant of the licence, showing that use of the site as a waste transfer station / bale storage facility was permitted

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

1. Names/Signatures of NIEA employees
2. Names/Signatures of ReGen employees/consultants
3. Names/Signatures of employees from other organisations

LAWFULNESS

Please identify the lawful bases for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful bases for processing are 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, no lawful basis exists for the disclosure of third party personal data falling within the scope of the request of which the requester is not the data subject.

Waste Licensing Team