

Public Interest Test –EIR

Reference Number – DAERA/26-734

Requested Information

Information relating to any meetings between Minister and reps of Dalradian and copies of any Internal Memo/Submission for the Minister relating to Dalradian or the Sperrins mine application, between 1/1/2017 to present

Exemption / Exception under consideration

Regulation 12(4)(e) (internal communications),
Regulations 12(5)(b) course of justice

Reasons why the public interest would favour disclosure:

- The public have a legitimate right to access to information held by Government Departments which may relate to them or their property.
- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.
- The application is the subject of a public local inquiry where this information may be relevant to discussions.

Reasons why the public interest would favour withholding:

Regulation 12(4)(e) (internal communications),

- There is public interest in protecting a safe space for officials and Ministers to exchange views, discuss options, and provide candid advice as part of the policy and decision-making process.
- Disclosure of the requested information would be likely to inhibit the free and frank exchange of views and undermine the Department's ability to conduct effective internal deliberations.
- The Public Local Inquiry remains ongoing, and premature disclosure could lead to the misinterpretation of developing advice and prejudice the Department's ability to reach a fully informed and considered position.
- Although some of the information is historical in nature, the public interest in maintaining the exception remains strong as the issues discussed continue to be relevant to the Department's ongoing consideration of the applications. Disclosure of these internal communications could inhibit the free and frank exchange of views on matters that remain live and would be likely to prejudice the effective conduct of public affairs.

Regulations 12(5)(b) course of justice

- The exchange of information, advice and guidance between the Department and its legal advisers is protected by legal professional privilege.
- Disclosure would undermine that privilege while the inquiry remains ongoing and the applications are yet to be determined.
- The issues addressed in the advice therefore remain live. There is also a strong public interest in preserving legal professional privilege to maintain confidence in the administration of justice.
- Despite some of the documents being historical, the legal issues they address remain relevant to ongoing matters before the Department. The public interest in preserving legal professional privilege therefore remains strong, as disclosure would erode the confidentiality that underpins the seeking and provision of legal advice and could prejudice the Department's ability to obtain frank legal advice in future.

Conclusion

Following consideration of the Public Interest Test the Department has decided that the identified information should be withheld on the basis that the grounds for disclosure do not outweigh those for withholding the information which falls within the scope of the identified exemptions.

**Water Regulation
Northern Ireland Environment Agency.**