

Public Interest Test –EIR

Reference Number – DAERA/26-757

Requested Information

The model NIEA used to derive discharge limits, the flaw NIEA has identified in it and whether other discharge consents are affected.

Exemption / Exception under consideration

Regulation 12 (4) (a) Material not held

Regulation 12 (4) (b) Manifestly unreasonable

Regulation 12 (4) (d) Material in the Course of completion

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) (a) Material not held:

- The Department is unable to disclose information which it does not hold or where records were not created.

Regulation 12 (4) (b) Manifestly unreasonable:

- The request relates to approximately 4000 records which are not held in a readily searchable format.
- It would therefore not be possible to extract the available information within a reasonable timeframe and without a disproportionate burden on the Department's resources.
- Advice is provided in the requestor in refining his request.

Regulation 12 (4) d Material in the course of completion:

- The information is in a draft format and relates to ongoing refinement and development of a position.

- Release of the document prematurely will have adverse consequences e.g. misinformation
- The information is background information or research gathered in support of a policy or position in development.

Regulation 12(5)(b) course of justice

- Exchanges of information, advice and guidance on these ongoing and current issues between the Department and its legal representatives are protected as legally privileged.

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.**