Public Interest Test – EIR

Reference Number – DAERA/26-808

Requested Information

Legal advice on respect of the Public Local Inquiry or the Goldmine Proposals

Exemption / Exception under consideration

- 12 (5) (b) the 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 interests.

Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.

Environmental Information should be made available to inform members of the public on relevant matters and enable them to engage effectively with discourse and decision-making.

Reasons why the public interest would favour withholding:

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

Conclusion

Following consideration of the Public Interest Test the Department has decided that the exceptions outlined can be applied and outweigh the presumption of disclosure such that the identified information should be withheld.

Water Regulation, Nothern Ireland Environment Agency.