Public Interest Test –EIR

Reference Number – DAERA/26-747

Requested Information

Regional Operations Water Pollution Incident Severity Classification System

Exemption / Exception under consideration

Regulation 12(4)(d) - Material in the course of completion, unfinished documents, and incomplete data.
Regulation 12(5)(e) - Confidentiality of commercial or industrial information

Reasons why the public interest would favour disclosure:

- Access to official information can improve public confidence and trust and Departments have a duty to operate transparently.
- Regulation 12(2) requires the Department of Agriculture Environment and Rural Affairs (DAERA) to apply a presumption in favour of disclosure.

Reasons why the public interest would favour withholding:

- Part of the request is for material which is still in the course of completion. Disclosure at this stage would risk undermining the integrity and effectiveness of the ongoing review process.
- Releasing the document prematurely would undermine the planned and orderly publication process, which exists to ensure that accurate, accessible, and contextually explained information is made available to the public.
- Withholding the document until the review is concluded helps ensure that final decisions are well-informed, accurate, and fully developed.
- to protect any legitimate economic interests underlying commercial confidentiality in relation to environmental remediation cost recovery.
- Maintaining confidentiality can support effective environmental regulation by ensuring regulators continue to receive detailed information from regulated entities.
- Where information was supplied subject to a duty of confidence, there is a public interest in public authorities honouring those obligations unless there is a compelling reason to override them. Preserving confidence supports trust between regulators and third parties.

Conclusion

Following consideration of the Public Interest Test the Department has decided that on balance, the public interest in maintaining the exceptions does outweigh the public interest in disclosing the available information due to the effects any disclosure of an unfinished document may create confusion surrounding how the Department assesses water pollution incidents in addition to working with commercial entities to ensure environmental targets are met. The Department

intends to publish the water pollution severity classification system once a review has been completed.

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Water Pollution Regulation and Enforcement Team
Water Catchment Unit