ANNEX 2

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/26-805 - Environmental Information Regulations 2004 (EIR)

Relevant Request Details:

Copies of all NIEA compliance assessment reports for the years 2025 & 2026 for the below sites:

RiverRidge Recycling, 56 Craigmore Road, Garvagh, BT51 5HF,

RiverRidge Recycling, Electra Road, Maydown, Derry, BT47 6UL,

RiverRidge Recycling, 9-10b Building 4, Central Park, Mallusk, BT36 4FS, and

RiverRidge Recycling, 91 Moy road, Portadown BT62 1QW

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

1. Names of NIEA employees

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 FOI 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.

