



Our reference: DAERA/23-284

[REDACTED]  
[REDACTED]

Water Management Unit  
17 Antrim Road  
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BT28 3AL

Email: [WMU.FOI@daera-ni.gov.uk](mailto:WMU.FOI@daera-ni.gov.uk)

18 September 2023

Dear [REDACTED],

### **Environmental Information Regulations (EIR) 2004**

With regard to your request for information received by the Department on 21 August 2023 that sought the following information:

- (1) A list of pollution incidents reported in NI's lakes, rivers and seas between January 1 2021 and August 20 2023, with dates and locations included if possible.**
- (2) A list of confirmed blue-green algae sightings in NI's lakes, rivers and seas between January 1 2021 and August 20 2023, with dates and locations included if possible.**
- (3) The number of successful prosecutions for pollution-related incidents between January 1 2021 and August 20 2023.**
- (4) The total amount in fines issued in relation to those prosecutions between January 1 2021 and August 20 2023.**

I can advise that the Department has completed its search and can confirm that it holds the information you requested. However, the Department has decided not to disclose some of the information for the following reason:

Some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle which states that processing must be ***Sustainability at the heart of a living, working, active landscape valued by everyone.***

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

lawful, fair, and transparent. Therefore, the Department is engaging Regulations 12(3) and 13(1) of the Environmental Information Regulations 2004.

The Department has considered this element and has determined that no lawful basis for disclosure under EIR exists, bearing in mind that any such disclosure must be considered in terms of disclosure to the “world at large”, and not just you the requester. Consequently, the personal data falling within the scope of this request has been withheld. A copy of the Lawful Processing and Fairness Test has been provided at **Annex A**. A copy of the information which can be disclosed can be found in **Annex B and C**.

**Annex B** details the information held for point (1) of the request.

This data is segregated into the number of pollution incidents within each Local Management Areas for individual years (2021, 2022 & 2023) and the attributed severity of these incidents.

**Annex C** details the information held for point (2) of the request.

In response to point (3) of your data request, details are shown in Table 1 below:

Year	Number of Cases
2021	14
2022	18
2023*	23

To note:

- As per your request, this information is for successful Prosecutions only. These are cases that progressed through the judicial system from 2021 to 20 August 2023\*, the incidents however, occurred between 2018 to 2022.
- The figures above relate to individual Case Files submitted, there are occasions where the Case File includes more than one incident.

Point (4) of your data request is provided in Table 2 below.

Year	Total Fines
2021	£21,900
2022	£30,000
2023	£28,800

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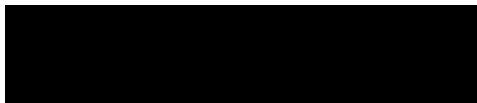
Please note that the 2023 data provided in points (1) – (4) above has not been audited and will be subject to change.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing [daera.informationmanager@daera-ni.gov.uk](mailto:daera.informationmanager@daera-ni.gov.uk) or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Ballykelly House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,



**Principal Scientific Officer  
Water Management Unit**

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Location	Date	Year	Presence of Blue Green Algae Confirmed
Brantry Lough	04/03/2021	2021	Yes
Cam Lough	12/10/2021	2021	Yes
Castlewellan Lake	26/04/2021	2021	Yes
Craigavon Lakes	02/06/2021	2021	Yes
Duncan's Dam	26/04/2021	2021	Yes
Hillsborough Lake	19/10/2021	2021	Yes
Mount Stewart	02/06/2021	2021	Yes
Stoneyford Reservoir	03/08/2021	2021	Yes
Upper Lough MacNean	30/10/2021	2021	Yes
Brantry Lough	12/01/2022	2022	Yes
Castlewellan Lake	05/05/2022	2022	Yes
Copeland Reservoir	16/06/2022	2022	Yes
Copeland Reservoir	09/07/2022	2022	Yes
Craigavon Lakes	14/05/2022	2022	Yes
Craigavon Lakes	17/05/2022	2022	Yes
Craigavon Lakes	28/05/2022	2022	Yes
Duncan's Dam	10/05/2022	2022	Yes
Hillsborough Lake	09/08/2022	2022	Yes
Hillsborough Lake	27/08/2022	2022	Yes
Lough Gall	31/07/2022	2022	Yes
Lough Neagh - Gawleys Gate	20/09/2022	2022	Yes
Loughinisland Lake	03/05/2022	2022	Yes
Lower Conlig Reservoir	23/05/2022	2022	Yes
Lower Conlig Reservoir	04/06/2022	2022	Yes
Lower Conlig Reservoir	27/07/2022	2022	Yes
Lower Conlig Reservoir	28/07/2022	2022	Yes
Lower Conlig Reservoir	01/08/2022	2022	Yes
Lower Lough Erne	10/08/2022	2022	Yes
North Woodburn Reservoir	22/06/2022	2022	Yes
Potterswall Dam	20/07/2022	2022	Yes
<b>Redacted</b>	30/08/2022	2022	Yes
Stoneyford Reservoir	26/07/2022	2022	Yes
Upper Lough MacNean	14/05/2022	2022	Yes
Upperlands	07/06/2022	2022	Yes
Woodburn Reservoir	23/06/2022	2022	Yes
Woodburn Reservoir	27/09/2022	2022	Yes
Woodburn Upper Reservoir	29/06/2022	2022	Yes
Altnaheglish Reservoir	02/08/2023	2023	Yes
Ballinrees reservoir - Coleraine	28/07/2023	2023	Yes
Banagher Reservoir - Dungiven, Magheramore Rd	11/08/2023	2023	Yes
Bangor - Co. Down	19/07/2023	2023	Yes
Castlebay	10/08/2023	2023	Yes
Castlerock Beach	15/08/2023	2023	Yes
Castlerock Beach	06/07/2023	2023	Yes
Castlerock main beach	10/08/2023	2023	Yes
Copeland Reservoir	04/08/2023	2023	Yes
Craigavon Lakes	24/06/2023	2023	Yes
Craigavon Lakes	28/06/2023	2023	Yes
Crumlin River	17/08/2023	2023	Yes

Curran Quay	14/08/2023	2023	Yes
Hillsborough Lake	09/08/2023	2023	Yes
Lough Ash	17/07/2023	2023	Yes
Lough Melvin	05/06/2023	2023	Yes
Lough Melvin	05/06/2023	2023	Yes
Lough Neagh - Derrymore	08/08/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	23/05/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	23/05/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	30/05/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	12/06/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	14/06/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	23/06/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	22/07/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	22/07/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	08/08/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	08/08/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood	15/08/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood - Jet Ski slip	28/07/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood - Jet Ski slip	16/08/2023	2023	Yes
Lough Neagh - Antrim - Rea's Wood - Six Mile River slip	16/08/2023	2023	Yes
Lough Neagh - Ardboe	16/08/2023	2023	Yes
Lough Neagh - Ballinderry	13/07/2023	2023	Yes
Lough Neagh - Ballyronan	05/06/2023	2023	Yes
Lough Neagh - Ballyronan	05/06/2023	2023	Yes
Lough Neagh - Ballyronan	06/06/2023	2023	Yes
Lough Neagh - Ballyronan	10/08/2023	2023	Yes
Lough Neagh - Bartins Bay	19/08/2023	2023	Yes
Lough Neagh - Bartins Bay	19/08/2023	2023	Yes
Lough Neagh - Bartins Bay	19/08/2023	2023	Yes
Lough Neagh - Battery Harbour	06/06/2023	2023	Yes
Lough Neagh - Battery Harbour	08/08/2023	2023	Yes
Lough Neagh - Blackrock Quay	07/08/2023	2023	Yes
Lough Neagh - Castlebay Dungannon	21/06/2023	2023	Yes
Lough Neagh - Cranfield Point	14/06/2023	2023	Yes
Lough Neagh - Derrycrow Road Lurgan	21/07/2023	2023	Yes
Lough Neagh - Derrycrow Road Lurgan	21/07/2023	2023	Yes
Lough Neagh - Eel fishery at Toomebridge	13/06/2023	2023	Yes
Lough Neagh - Kinnego Marina	18/08/2023	2023	Yes
Lough Neagh - Loughshore, Randelstown	19/07/2023	2023	Yes
Lough Neagh - north of Kinnego Marina	23/07/2023	2023	Yes
Lough Neagh - Oxford Island	17/08/2023	2023	Yes
Lough Neagh - Oxford Island	18/08/2023	2023	Yes
Lough Neagh - Oxford Island	21/08/2023	2023	Yes
Lough Neagh - Pier at Annaghmore Rd BT41 3NP	07/07/2023	2023	Yes
Lough Neagh - Shore Road Upper Ballinderry	14/08/2023	2023	Yes
Lough Neagh - The Gate Inn slipway, Derrymore road	07/08/2023	2023	Yes
Lough Neagh - Toome	13/08/2023	2023	Yes
Lough Neagh - Toome	13/08/2023	2023	Yes
Lough Neagh - Toome - eel traps	27/06/2023	2023	Yes
Loughall - Armagh	08/08/2023	2023	Yes
Lower Bann - Agivey Bridge	29/06/2023	2023	Yes
Lower Bann - Artnagross	01/07/2023	2023	Yes
Lower Bann - Carnroe Lock	29/06/2023	2023	Yes

Lower Bann - Castlerock	10/08/2023	2023	Yes
Lower Bann - Castlerock	14/08/2023	2023	Yes
Lower Bann - Castlerock	14/08/2023	2023	Yes
Lower Bann - Castlerock	16/08/2023	2023	Yes
Lower Bann - Coleraine	16/08/2023	2023	Yes
Lower Bann - Coleraine	16/08/2023	2023	Yes
Lower Bann - Coleraine	17/08/2023	2023	Yes
Lower Bann - Coleraine Marina	14/08/2023	2023	Yes
Lower Bann - Coleraine Mountsandel Forest	18/08/2023	2023	Yes
Lower Bann - Drumaheglis	01/07/2023	2023	Yes
Lower Bann - Drumaheglis	04/07/2023	2023	Yes
Lower Bann - Drumaheglis	15/08/2023	2023	Yes
Lower Bann - Movanager	28/06/2023	2023	Yes
Lower Bann - Movanager	14/08/2023	2023	Yes
Lower Bann - Portglenone	28/06/2023	2023	Yes
Lower Bann - Portglenone	29/06/2023	2023	Yes
Lower Bann - Portglenone	11/08/2023	2023	Yes
Lower Bann - Portglenone	21/08/2023	2023	Yes
Lower Bann - Portglenone Forest	16/08/2023	2023	Yes
Lower Bann - Portglenone Marina	09/07/2023	2023	Yes
Lower Bann - Portna	28/06/2023	2023	Yes
Lower Bann - Seaton's Marina	10/07/2023	2023	Yes
Lower Bann - Seaton's Marina	17/07/2023	2023	Yes
Lower Bann - Seaton's Marina	28/07/2023	2023	Yes
Lower Bann - Seaton's Marina	15/08/2023	2023	Yes
Lower Bann Estuary - Castlerock	09/07/2023	2023	Yes
Lower Lough Erne	11/08/2023	2023	Yes
Lower Lough Erne	16/08/2023	2023	Yes
Lower Lough Erne	16/08/2023	2023	Yes
Lower Lough Erne	18/08/2023	2023	Yes
Lower Lough Erne - Castle Archdale Marina	16/08/2023	2023	Yes
Lower Lough Erne - Lusty Beg Island	21/08/2023	2023	Yes
Lower Lough Erne - Muckcross Bay	11/08/2023	2023	Yes
Lower Lough Erne - Tully Castle	26/07/2023	2023	Yes
Lower Lough Erne - Tully Castle	28/07/2023	2023	Yes
Magilligan Point	26/07/2023	2023	Yes
Portrush	28/07/2023	2023	Yes
Portrush Harbour	15/08/2023	2023	Yes
Portrush Harbour pontoon – in front of Harbour Master	28/07/2023	2023	Yes
Portrush Harbour slip	28/07/2023	2023	Yes
Portrush Harbour Slip	16/08/2023	2023	Yes
Portstewart	14/08/2023	2023	Yes
Portstewart - Port Na Happle	01/08/2023	2023	Yes
Portstewart Harbour	28/07/2023	2023	Yes
Portstewart Harbour	16/08/2023	2023	Yes
River Blackwater	13/06/2023	2023	Yes
Shaws Lake - Armagh	08/08/2023	2023	Yes
Shaws Lake - Armagh	12/08/2023	2023	Yes
Upper Ballinderry	17/08/2023	2023	Yes
Upper Lough McNea - Carrickduff Slipway	16/08/2023	2023	Yes
Woodburn North Reservoir Carrickfergus	12/08/2023	2023	Yes

Year	Local Management Area																							Total Confirmed			
	Ba linderry	Belfast Lough	Braid and Main	Faughan	Glens and Rathlin	Lough Melvin and Arney	Upper Lough Erne	Lagan	Larne Lough	Lough Neagh	Lower Bann	Moyola	Owenkillew	Quoile	Roe	Six Mile Water	South Down	Strangford	Strule	Upper Bann	Bush	Lower Lough Erne	Derg and Mourne		Burn Dennet and Foyle	Carlingford and Newry	River Blackwater
2021	40	55	33	17	11	15	47	84	12	74	38	14	4	14	17	28	21	37	39	45	17	25	25	19	44	97	672
2022	17	38	18	9	6	10	40	64	11	48	34	12	2	6	27	27	15	20	39	33	9	28	28	23	51	73	678
2023	10	33	7	4	5	9	39	38	1	40	36	1	2	6	13	16	7	22	26	25	6	21	10	16	20	43	456
<b>Total</b>	67	126	58	30	22	34	126	186	24	162	98	27	8	26	57	71	43	79	104	103	32	74	63	58	115	213	<b>2006</b>

Severity	Local Management Area																							Total Confirmed			
	Ba linderry	Belfast Lough	Braid and Main	Faughan	Glens and Rathlin	Lough Melvin and Arney	Upper Lough Erne	Lagan	Larne Lough	Lough Neagh	Lower Bann	Moyola	Owenkillew	Quoile	Roe	Six Mile Water	South Down	Strangford	Strule	Upper Bann	Bush	Lower Lough Erne	Derg and Mourne		Burn Dennet and Foyle	Carlingford and Newry	River Blackwater
Low	51	115	47	24	20	32	120	175	22	132	77	21	8	24	51	64	34	70	87	88	27	64	51	50	104	180	1738
Medium	12	5	11	4	1	2	5	11	2	26	19	6	0	2	6	7	8	7	15	13	5	9	8	7	10	32	233
High	4	6	0	2	1	0	1	0	0	4	2	0	0	0	0	1	2	2	2	0	1	4	1	1	1	1	35
<b>Total</b>	67	126	58	30	22	34	126	186	24	162	98	27	8	26	57	71	43	79	104	103	32	74	63	58	115	213	<b>2006</b>

## LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/23-284

Environmental Information Regulations 2004

### Request Details:

A list of confirmed blue-green algae sightings in NI's lakes, rivers and seas between January 1 2021 and August 20 2023, with dates and locations included if possible.

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

Within this request, a private fishery was identified where blue-green algae was confirmed by DAERA staff. This entry has been included within the data set, but the name of the fishery has been redacted.

## LAWFULNESS

### Please identify the lawful basis for processing

Personal data is processed when it is lawfully disclosed in response to an FOI / EIR request.

The lawful basis 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:** The data subjects clear consent does not exist.
- 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 FOIA 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, there is no lawful basis for the disclosure of third party personal data falling within the scope of the request.



[REDACTED]

**Principal Scientific Officer  
Water Management Unit**