

## **LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**

**DAERA/23-417**

Environmental Information Regulations 2004

### **Request Details:**

The final reports relating to each project:

1. Bryne Looby, Guildford, Surrey – Mobuoy Road waste soil mix groundwater remediation
2. Queen’s University Belfast – Bio-electrical systems and technology
3. SiRiUS Geotechnical and Environmental Ltd, Durham, County Durham – Combined active hydrological and biological capping systems
4. Agri-Foods and Biosciences Institute (AFBI) – Sustainable leachate management solutions using energy crops
5. AFBI – Evaluation of filter materials for treatment of leachate

Outcome/Final Report from AFBI on environmental site capping trials funded by the DARA E&I fund commenced in July 2020.

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

The documents collated in response to the request hold various personal data including telephone numbers and email addresses and other third-party names.

## **LAWFULNESS**

### **Please identify the lawful basis for processing**

Personal data is processed when it is lawfully disclosed in response to an 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:** The data subject’s 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 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 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.



**Mobuoy Remediation Project**