

**Our reference: DAERA/22-385**

VSAHG Information Communications Branch  
1st Floor  
Jubilee House  
111 Ballykelly Road  
Limavady  
BT49 9HP

By e-mail:  
[REDACTED]

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

18 January 2023

Dear [REDACTED]

### **Freedom of Information Act 2000 (FOIA)**

With regard to your request for information received by the Department on 18 December 2022, which sought the following information:

*Details of DAERA spending on the court challenge to Agriculture Minister Edwin Poots's instruction to halt Protocol-related checks.*

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested, which is below.

#### **1. The cost to the department of the judicial review.**

No final Order has yet been made by the Court in relation to costs.

#### **2. If the final cost has not yet been established, please provide an estimate of the costs and/or the costs known so far via bills, invoices or court details/instructions.**

The cost to DAERA of the Rooney, JR 181(3) and Belfast City Council judicial reviews to date is £51,875.92.

#### **3. The cost of the external legal advice Mr Poots received which led to his decision to instruct DAERA officials to halt Protocol-related checks.**

The cost of the legal advice Mr Poots received is £5,400 (the Department does not pay VAT).

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**4. A copy of any invoices received for this legal advice.**

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 lawful, fair and transparent.

The Department has considered this element and has determined that no lawful basis for disclosure under FOI 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 under Section 40(2) of the FOIA, a lawfulness test has been completed and is attached as **Annex A**.

A copy of the invoice, with the information which can be disclosed, is attached at **Annex B**.

**5. If the final cost of this legal advice has not yet been established, please provide an estimate of the costs and/or the costs known so far via bills, invoices etc.**

The final cost of this advice is as above, £5,400.

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,



**Information Communications Branch  
Veterinary Services Animal Health Group**

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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.



## LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

DAERA/22-385 - Freedom of Information Act 2000

### Request Details:

Details of DAERA spending on the court challenge to Agriculture Minister Edwin Poots's instruction to halt Protocol-related checks.

4. A copy of any invoices received for this legal advice.

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

Personal Data of Department Solicitor's Office and DAERA staff.

## LAWFULNESS

### Please identify the lawful bases for processing

Personal data is processed when it is lawfully disclosed in response to an FOI 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 is 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 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 of which the requester is not the data subject.

  
**Veterinary Service Animal Health Group**

Bar Library  
91 Chichester Street  
Belfast BT1 3JQ

February 2 2022

[REDACTED]  
Departmental Solicitor's Office,  
2<sup>nd</sup> Floor,  
Lanyon Plaza,  
7 Lanyon Place,  
Belfast BT1 3LP.

*By email only*

Dear [REDACTED]

**Re: Advice for DAERA Minister**

I enclose the advices requested and mark fees as follows.

Consultation [REDACTED]	£250
Advices [REDACTED]	£4,250
Total excluding VAT	£4,500
VAT @ 20%	£900
Total including VAT	£5,400
My VAT Registration number is [REDACTED]	

Bank Details

[REDACTED] Account Number [REDACTED]  
Sort Code [REDACTED]

Many thanks for your instructions in this interesting and important matter.

Yours sincerely

[REDACTED]