



Our reference: **DAERA 23-418**



Via e-mail



Mobuoy Remediation Project
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road Malone Lower
Belfast BT7 2JA

E-mail: Mobuoy.Project@daera-ni.gov.uk

8 February 2024

Dear Mr 

Environmental Information Regulations 2004

With regards to your request for information received by the Department on 04 December 2023 that sought the following information:

During the period encompassing from May 2022 to the present day, in relation to the illegal dump situated at Mobuoy, Mobuoy Road, Derry: Any and all documentation relating to the illegal waste site City Industrial Waste, Campsie Sand and Gravel, its history, regulatory implications, liability or any other topic relating to the site that was presented to the Permanent Secretary for information or approval.

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 reasons:

The Department has decided not to disclose some of the information you requested as it considers:

- Regulation 12(4)(d) - In relation to the disclosure of documents DAERA has considered the use of the exemption Regulation 12(4)(d) material in the course of completion, unfinished documents, and incomplete data in its deliberations.
- Regulation 12(4)(e) – The Department wants to ensure free and frank discussions can take place on an issue that is still under active consideration.
- Regulation 12(5)(b) – while the criminal proceedings in relation to sentencing are extant and remain live the Department is not able to release the information requested.

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An associated Public Interest Test has been conducted and is attached.

In addition, Regulation 12(3) and 13(1) is engaged as 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 within the Lawfulness test which is attached and it 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.

Please note that in the course of the search for this request a further submission was identified for EIR 23-347. It is included in this response as Annex D and the regulations listed above applied. Please also note that the redaction to SUB/2291/2022 has been reduced and included as Annex E in these papers for your records.

The attached table titled, Annex A “References to Mobuoy in Notes from Top Management Team (TMT) Meetings”, details meetings at which verbal updates on Mobuoy were provided. As the records identified contain only bullet points on Mobuoy it was decided to collate this information into a single table

A copy of the other information which can be disclosed is attached in the email.

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 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,



Mobuoy Remediation Project

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Annex A

References to Mobuoy in Notes from Top Management Team (TMT) Meetings

Date of Meeting	Reference to Mobuoy in Notes of TMT Meetings
12 September 2022	<p>Under the heading “Forward Look”, a verbal update was given by the Northern Ireland Environment Agency (NIEA), the note contains the following bullet point:</p> <ul style="list-style-type: none">• Mobuoy Criminal Case
26 September 2022	<p>Under the heading “Forward Look”, a verbal update was given by NIEA, the note contains the following bullet point:</p> <ul style="list-style-type: none">• Mobuoy Criminal Case
10 October 2022	<p>Under the heading “Forward Look”, a verbal update was given by NIEA, the note contains the following bullet point:</p> <ul style="list-style-type: none">• Mobuoy Criminal Case and reporting restrictions <p>In addition, Media provided a verbal update, the note contains the following bullet point:</p> <ul style="list-style-type: none">• Mobuoy
17 October 2022	<p>Under the heading “Forward Look”, a verbal update was given by NIEA, the note contains the following bullet point:</p> <ul style="list-style-type: none">• The Mobuoy Criminal Case <p>In addition, Media provided a verbal update, the note contains the following bullet point:</p> <ul style="list-style-type: none">• Mobuoy

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