

REFERENCE

2425634

RELEASE DATE

March 2025

SUBJECT

I was informed by the NI Drinking Water Inspectorate that NI Water are currently undertaking the monitoring of PFAS chemicals in public drinking water supply networks, in line with similar UK-wide initiatives. I would like to make a request to access these data.

RESPONSE

Please find attached as Annex A a copy of the monitoring results for PFAS in raw water and treated drinking samples to date.

There is currently no regulatory standard for PFAS in the drinking water regulations in Northern Ireland [Water Quality (Water Supply) Regulations (NI) 2017]. However, we have undertaken annual surveys for PFAS compounds since 2020. We have undertaken PFAS analysis as this is included in the EU Drinking Water Directive Recast.

The Recast Directive has not been transposed into new drinking water regulations in Northern Ireland. Our analysis for PFAS compounds has been aligned to the requirement for PFAS analysis within the Recast Directive in preparation for the potential for new drinking water regulations which either transpose the Recast Directive or align to the Recast Directive to build up a data set of results and understand the potential for compliance with new regulatory standards for these compounds.

The EU Drinking Water Directive Recast sets standards for PFAS in drinking water. The recast Drinking Water Directive (rDWD) introduced standards for PFAS in January 2021 for member states and includes 'PFAS Total' standard of 0.5 µg/l and the 'Sum of PFAS' standard of 0.1µg/l, for a subset of PFAS compounds as listed within the Recast directive. Our PFAS analysis for treated drinking water samples has not breached the regulatory limits set within the EU Drinking Water Directive Recast.

The sample frequency that we have in place for PFAS analysis of drinking water is based on risk and results to date show that the risk is low, so sampling is undertaken to monitor and ensure the risk remains low. If the risk was to change then the sample frequency would be increased to ensure effective monitoring is in place and to inform any required remedial action to reduce the risk. If PFAS becomes a regulatory requirement in the public drinking water regulations, the sample frequency will be in accordance with the regulatory requirement.

With reference to your other interest, relating to *“the geospatial patterns of concentrations”*, NI Water can confirm it is not able to provide grid references for these sampling sites due to the security risk of this information being in the wider public domain. As such, the locations are lawfully exempt from disclosure under Regulation 12(5)(a) of the EIR for the reasons explained more fully below.

Regulation 12(5)(a) of the EIR (national security/public safety) provides that *“A public authority may refuse to disclose information to the extent that its disclosure would adversely affect international relations, defence, national security or public safety.”* It is the adverse effect on national security and on public safety to which NI Water is referring on application of this exception.

NI Water has guidance from its sponsoring Department, in the form of an Advice Note, which highlights general categories of information and the control measures to be applied. The guidance is intended to cover information deliberately placed by NI Water into areas where there is uncontrolled access by the general public, to ensure that information placed in the public domain does not compromise the security requirements of the Company.

The Advice Note advises that controls are necessary in relation to disclosure of information that is deemed to be sensitive, including details of specific sites. This is a qualified exception, meaning NI Water must consider the public interest in disclosure versus that in maintaining the exception.

The public interest in release of the data requested is that it would demonstrate NI Water’s willingness to be open and transparent in its activities. Against this,

however, NI Water is tasked with ensuring the security of its assets and with protecting the safety of the public by not making assets more attractive by placing sensitive information into the public domain via the EIR.

Current guidance advises that controls are necessary in relation to the disclosure of operational asset information that is deemed to be sensitive, or which could compromise our security requirements, or the health and safety of our customers.

As a prudent operator, NI Water cannot reasonably put detailed, data relating to our potable water sites, infrastructure or assets into the wider public domain via the EIR, where NI Water, as the relevant water and sewerage services undertaker, would have no control over the data's wider dissemination, circulation, availability or intended use.

This type of detailed proprietary knowledge could be used maliciously to undermine the effectiveness of NI Water's water network with parallel implications for health and safety. As such, there is a robust argument for not detailing such infrastructure to the public via the disclosure provisions of the EIR as the release of specific asset details could provide an overview of potential vulnerabilities in the system.

NI Water's position is to protect detail about our critical operational sites, assets and infrastructure from disclosure to the public, particularly because it highlights areas where, if someone was so minded, they could do the most damage. Any information that places the public, public infrastructure and/or the environment at an increased risk of being targeted must be protected at all costs and carries a very significant weight in favour of non-disclosure.

It is felt by NI Water, therefore, that the public interest arguments in favour of disclosure are wholly outweighed by those in favour of safeguarding the withheld information from wider public dissemination.