

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of FOI exemption Section 40(2) and EIR exception 12(3) 13(1)

DOF/2025-0321

A Lawfulness, Fairness and Transparency test must be carried out by the Department of Finance when considering disclosure of third-party personal data which falls within the scope of an FOI or EIR request.

FOI / EIR request

Under the Freedom of Information Act 2000, I am writing to request the following information in relation to the decision by the Northern Ireland Civil Service (NICS) to participate in Belfast Pride 2025:

1. All internal correspondence, briefing papers, emails, minutes, or notes—whether in physical or digital form—relating to the planning, approval, or authorisation of NICS participation in Belfast Pride 2025.
2. Any assessments, impact statements, or reports that informed or justified the decision to take part in Belfast Pride 2025.
3. Any communication with external organisations (including but not limited to Stonewall) relating to Belfast Pride 2025, LGBT+ inclusion rankings, or the Stonewall Equality Index.
4. Any documentation or correspondence which discusses or references the Northern Ireland Executive's position on puberty blockers, and its relevance or impact on decisions related to Belfast Pride.
5. A breakdown of costs incurred or expected to be incurred by the Department of Finance or any part of the NICS in relation to participation in Belfast Pride 2025 (including branding, promotional materials, staff time, etc.).

Consideration of the personal data falling within the scope of the request

Guidance from the Information Commissioner's office states that personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

Description of personal data/issue(s) under consideration:

The data held is in relation to the names and contact details of junior members of staff and a third party contained in attached Annexes. Release of the requested information could risk the individuals being identified.

In order to process and release the personal data (i.e. name) of the individuals would require their consent. The department does not consider it appropriate to approach the individual third party to seek their consent for release of their name.

Lawfulness

Do either of the two lawful basis below, which allow for the disclosure of personal data, apply? **No**

- Consent:** This applies when the data subject(s) clear consent exists, allowing the department to disclose personal data falling within the scope of this request.

- Legitimate interests:** This applies when disclosure 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.

Conclusion

Having considered all the information contained within the Lawfulness, Fairness and Transparency 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).

