

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST
Application of FOI exemption Section 40(2) and EIR exception 12(3) 13(1)

DOF/2025-0371

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.

Can your department share minutes of meetings between the Minister and the following individuals or external organisations between 1 January 2025 and end of March 2025?

Department for Infrastructure Minister Liz Kimmins MLA, Northern Ireland Chamber - Chief Executive Officer, Suzanne Wylie and Director of Public Affairs and International Relations, Stuart Anderson. Construction Employers Federation - Chief Executive Officer, Mark Spence and Director of External Affairs, David Fry. Northern Ireland Federation of Housing Associations - Chief Executive Officer, Seamus Leheny.

Secretary of State for Northern Ireland (SoSNI), Rt Hon Hilary Benn MP

Northern Ireland Commissioner for Children and Young People (NICCY), Chris Quinn; NICCY, Head of Policy and Research, Alex Tennant and NICCY, Head of Legal and Investigations, Joanne McGuck

Chief Secretary to the Treasury, Rt Hon Darren Jones MP, Cabinet Secretary for Finance and Welsh Language, Mark Drakeford MS and Deputy First Minister and Cabinet Secretary for Finance, Shona Robison MSP

Chief Secretary to the Treasury, Darren Jones MP

Department for Communities, Minister Gordon Lyons MLA, Department for the Economy, Permanent Secretary Ian Snowden and the Community Wealth Building Partnership (CWB). Larne CWB Partnership - Larne Enterprise Development Company Ltd, Chief Executive Officer, Ken Nelson. Larne CWB, David Hunter. North West CWB Partnership - Northwest Enterprise, Brian O'Neill and Culturlann, Derry, Siubhán Nic Amhlaibh. Development Trusts NI - Chief Executive Officer, Charlie Fisher, Chairperson, Andy Tough, Director, Fintan McAliskey and Queen's University Belfast, Communities and Place, Dr Andrew Grounds.

Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation, Jack Chambers TD

Irish Congress of Trade Unions (ICTU) - Assistant General Secretary, Gerry Murphy; Vice-chair, Jacque White and ICTU and UNISON, John Patrick Clayton

Gender Budgeting Project (Northern Ireland Women's Budget Group and Ulster University) - Professor Joan Ballantine; Co-ordinator, Alexandra Brennan and Ulster University, Aoife Mallan

International Brotherhood of Teamsters - General President, Sean O'Brien; General-Secretary Treasurer, Fred Zuckerman; Chief of Staff to the General President, Brian Rainville; Executive Assistant & Counsel to the General Secretary-Treasurer, Rob Colone; Director of the Strategic Initiatives, Will Petty; General Counsel, Dave Suetholz. Aisling Events, Máirtín Ó Muilleoir

Paymaster General and Minister for the Cabinet Office, Rt Hon. Nick Thomas-Symonds MP

Northern Ireland Chamber of Commerce and Industry, Vice President, Kailash Chada; Confederation of British Industry, Director, Angela McGowan; Retail NI, Chief Executive Officer, Glyn Roberts; Federation of Small Businesses, Head of Policy, Rachel McCorrison; NI Retail Consortium, Director, Neil Johnston; Hospitality Ulster, Chair, Stephen Magorrian and Manufacturing NI, Former Chair of the Board, Con O'Neill.

NI Fiscal Council - Chair, Sir Robert Chote; Maureen O'Reilly; Dr Esmond Birnie; Professor Alan Barrett

Conradh na Gaeilge - Communications Manager, Dr Pádraig Ó Tiarnaigh, Language Rights Co-ordinator, Cuisle Nic Liam and Advocacy Manager, Conchúr Ó Muadaigh

Chief Secretary to the Treasury, Darren Jones MP and Secretary of State for Northern Ireland, Rt Hon Hilary Benn MP

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 names and contact details of staff, which constitutes their personal information and is not considered in the public interest to release to the world at large.

To process and release the personal data of the individual would require their consent. The department does not consider it appropriate to approach the individuals to seek their consent for release – there is an expectation this type of information is withheld.

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).