**LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**

**Application of FOI exemption Section 40(2)**

**DOF/2026-0091**

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**

I seek information relating to the development, review, and implementation of the Northern Ireland Civil Service hybrid working / office attendance policy (the 40% office attendance requirement).

These requests cover the period 1 January 2023 to the present.

1. Staff Roundtable Discussions

For the period 1 January 2023 to the present, please provide any and all:

- Records of roundtable discussions, meetings, or engagement sessions held between management and staff and/or trade unions regarding hybrid working, office attendance, and remote working;
- Agendas, minutes, notes, briefing papers, presentations, and outcome summaries of these meetings; and
- Reports or internal summaries capturing staff views, explaining how these informed the final policy.

2. Equality Considerations

For the period 1 January 2023 to the present, please provide any and all:

- Equality Impact Assessments (EQIAs), equality screening documents, or other equality analyses carried out in relation to the Hybrid Working policy;
- Internal papers or correspondence setting out how potential adverse impacts (e.g. on disabled staff, staff with caring responsibilities, or those living further from offices) were identified and mitigated; and
- Correspondence with recognised trade unions relating to equality considerations.

3. Rural Needs Impact Assessment

For the period 1 January 2023 to the present, please provide:

- Confirmation of whether a Rural Needs Impact Assessment was carried out in line with the Rural Needs Act (NI) 2016;
- A copy of the assessment, if conducted; and
- If no assessment was carried out, documentation explaining why this was considered unnecessary.

4. Productivity, Service Delivery and Staff Retention

For the period 1 January 2023 to the present, please provide any and all:

- Internal papers, analyses, or correspondence considering the impact of the policy on productivity, performance, and service delivery;
- Documents assessing risks that increased office attendance could negatively affect productivity; and
- Assessments weighing intended benefits such as collaboration and team building against risks including staff attrition, constrained budgets, and increased public demand for services.

5. Policy Drafting and Development

For the period 1 January 2023 to the present, please provide any and all:

- Draft versions of the hybrid working policy and accompanying guidance, including tracked changes or explanatory notes;
- Submissions or briefing notes provided to the Minister of Finance;
- Evidence, research, benchmarking, or external comparisons used to justify the 40% attendance requirement;
- Input, reports, or recommendations from external consultants, advisers, or other departments; and
- Internal legal advice or compliance assessments relating to employment law, equality duties, or other statutory obligations (with redactions applied where legally necessary).

6. Monitoring, Evaluation and Enforcement

For the period 1 January 2023 to the present, please provide any and all:

- Documents setting out how the policy will be monitored or evaluated, including key performance indicators or success measures;
- Arrangements for monitoring office attendance and any enforcement measures or

consequences for non-compliance; and
- Any commitments or plans to review the policy following implementation.

7. Office Estate Strategy and Financial Implications

For the period 1 January 2023 to the present, please provide any and all:

- Documents linking the policy to office estate strategy, estate rationalisation, regional hub provision, or office capacity planning; and
- Business cases, financial assessments, or cost-benefit analyses relating to the policy, including projected savings or additional costs.

8. Health and Wellbeing Impacts

For the period 1 January 2023 to the present, please provide any and all:

- Assessments of impacts on staff wellbeing, mental health, work–life balance, commuting stress, or related issues.

9. Staff Communications and Feedback

For the period 1 January 2023 to the present, please provide any and all:

- Communications to staff regarding the policy, including guidance, FAQs, intranet posts, circulars, or briefings; and
- Data on staff complaints, grievances, or formal feedback relating to the policy.

10. Interdepartmental Correspondence

For the period 1 January 2023 to the present, please provide any and all:

- Correspondence with other departments relating to the policy's impacts (including equality, transport, environmental, or operational impacts).

11. Catch-All

For the period 1 January 2023 to the present, please provide:

- Any other internal or external correspondence, reports, or briefing materials not otherwise specified in the other FOI requests, which formed part of the Department's

consideration of the development, review, or implementation of the policy.

**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 civil servants below Grade 7 which have been redacted 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).