LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of EIR exception 12(3) 13(1)

DOF/2026-0092

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 request environmental information relating to the Northern Ireland Civil Service hybrid working / 40% office attendance policy, covering the period 1 January 2023 to the present.

1. Environmental and Climate Impact Assessments

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

- Environmental, climate, or sustainability assessments relating to the policy; and
- Supporting calculations, modelling, or assumptions regarding energy use, emissions, or environmental impacts.

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2. Carbon Footprint and Emissions

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

- Analysis of how the policy affects the overall carbon footprint of Northern Ireland Civil Service operations; and
- Estimates of emissions associated with increased office attendance or commuting.

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3. Transport and Commuting Impacts

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

- Estimates or modelling regarding impacts of the policy on traffic levels, congestion, public transport usage, or active travel by staff; and
- Documents considering emissions associated with changes in commuting behaviour.

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4. Mitigation Measures and Incentives

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

- Policies, schemes, or incentives considered or introduced as part of the policy to encourage public transport, car-sharing, or low-carbon travel; and
- Guidance or correspondence discussing mitigation of increased commuting emissions.

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5. Alignment with Climate and Net Zero Commitments

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

- Papers or correspondence assessing whether the policy aligns with climate targets or net-zero commitments; and
- Internal correspondence referring to the A5 road scheme decision in relation to commuting or emissions impacts.

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6. Rural and Regional Environmental Impacts

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

- Consideration of rural travel impacts or environmental consequences of increased travel distances; and
- Any consultation or coordination with other departments regarding environmental consequences of increased commuting.

Administrative Matters

Please provide information electronically where possible. If any information is withheld, please specify the exception relied upon and provide the public interest reasoning.

If it is administratively efficient to combine responses to these requests, you are welcome to do so. However, if doing so risks exceeding cost or time thresholds, I ask that requests continue to be handled separately.

If any of the requests exceed the cost/time limit, please advise how they may be refined.

Thank you for your assistance. I look forward to your responses within the statutory timeframe.

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 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).