

**LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST****Application of FOI exemption Section 40(2)****DOF/2026-0203**

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**

- 1. Could I please raise a freedom of information request asking how many people applied for IRC320621 - Grade 7 Records and Information Management Branch, and, insofar as permitted, the background of the candidate found suitable.*
- 3. Who carried out the sift? Please provide further detail on the composition of the panel, including the number of panel members and the roles or grades represented. Please also confirm whether the sift panel was identical to the interview panel (i.e. the same individuals). Please also set out the panel members' relevant experience in conducting recruitment sifts, including any formal training and the frequency with which they have undertaken sifts in the last 2 years.*

**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 a candidates background and panel member's training, which constitutes their personal information. Due to low numbers the release of the requested information could risk the individuals being identified.

In order to process and release the personal data of the individuals would require their consent. The department does not consider it appropriate to approach the individuals to seek their consent for release of their information.

**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).