

Public Interest Test
REASONS FOR APPLYING SECTION 43 (2) EXEMPTION

Ref No.	FOI/2026-0207			
Information	Exemption Applied	Reasons for Disclosure	Reasons for Non-Disclosure	
Re: IRC320378 1. What was the exact question for the Collaborating and Partnering question?	Section 43(2) – Prejudice to commercial interests	- To show compliance with the FOI Act by disclosing information held by the Department as a Public Authority; - Disclosure would demonstrate a fair and transparent application and interview process.	- The Candidate interview assessment booklet contains the interview questions and marking criteria to be used by the panel members as part of the recruitment competition. The release of previously used interview questions and marking criteria would prejudice the ability to use existing interview questions, or similar type questions, in future Civil Service recruitment and/or promotion competitions. Release of the questions would prejudice the commercial interests of the Department as it would inhibit their future re-use by the NICS, thereby undermining the significant financial investment already made in developing these and would result in additional expenditure to develop a new bank of questions at a great cost to the public purse. - In addition, the requirement to produce a new bank of questions may lead to delays in filling vacancies. This is because of the need for longer design and development lead-times of new interview questions for future Civil Service recruitment/promotion competitions. The overall impact of the delay could therefore adversely impact the business delivery of Civil Service Departments. - Consequently, not filling positions in a timely manner, could be detrimental to the commercial interests of departments, as those organisations and individuals assisted by NICS' public services and financial supports, would be impacted significantly. The release of this information could therefore jeopardise NICS future staffing position and have a detrimental knock-on effect on the delivery and quality of public services. The department believes that the consequences of releasing the information are serious and the likelihood of this occurring is high.	

			• Release of the questions and marking criteria would also mean they could potentially be accessed and used by other organisations in their recruitment processes, which would be detrimental to the commercial interests of the department. The questions have been developed with a high degree of expertise and investment based on the NICS core competencies. The disclosure of the questions into the public domain would allow competitor organisations to replicate these unfairly and potentially poach prospective employees to the NICS at no real cost. • There is a strong public interest in maintaining the integrity of recruitment competitions because it is fundamental that these competitions are seen as being fair and equal to all parties. The department considers that it is not in the public interest to do anything to undermine the competitive nature of the recruitment process, and the disclosure of key information, as has been requested, could have that effect.
In balancing where the public interest lies, the Department has considered all the relevant factors in the public interest test and has reached the conclusion that the benefit to the public in applying the exemption outweighs the public interest in releasing the information requested, as a result of the prejudices and losses that would potentially affect the Department. DECISION MAKER: Jeff Hare DATE: 30/04/26			