LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of FOI exemption Section 40(2) and EIR exception 12(3) 13(1)

DOF/2026-0390

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

Please provide the following information relating to the handling of refunds where an Attachment of Earnings deduction has been taken from salary after the relevant debt has already been paid or discharged.

Please provide:

1. Any policy, procedure, guidance or process map used for refunding overpayments arising from Attachment of Earnings Orders.

2. Any policy, procedure or guidance explaining when refunds are made directly to the individual and when they are refunded to an employer, payroll provider or other source.

3. Any policy, procedure or guidance on the use of cheques or payable orders for such refunds.

4. Any service-level agreement, memorandum of understanding, written protocol or process guidance governing interactions between EJO/NICTS, HR Connect and Account NI in relation to Attachment of Earnings deductions and refunds.

5. Any policy, procedure or guidance for urgent escalation where an employee reports financial hardship due to an incorrect payroll deduction.

6. Any target timescales for processing refunds of incorrect or duplicate Attachment of Earnings deductions.

7. Any guidance on tracing, cancelling, reissuing or expediting a cheque/payable order that has not been cashed or lodged.

8. Any policy or guidance on compensation, consolatory payments, reimbursement of financial loss, or apologies where delayed administration causes hardship or distress.

9. Any internal review, audit, lessons learned document, or process improvement document from the last three years relating to delays in processing refunds of payroll deductions, Attachment of Earnings deductions, payable orders or cheques.

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:

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).