

**LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST**  
**Application of FOI exemption Section 40(2)**

**DOF/2024-0064**

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 request**

Pursuant to the FOI Act 2000 and any relevant statutory provisions please provide me with any introductory materials which have been prepared for or provided to the new Minister, Caoimhe Archibald MLA, including but not limited to the “First Day Brief”.

**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 names of civil servants below Grade 7 have been redacted. Furthermore, the email addresses and phone numbers of civil servants of all grades, which appear in the documents intended for release, have also been redacted. The department publishes official contact details on its website.

**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).