

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of FOI exemption Section 40(2)

DOF/2024-0069

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 supply by return a copy of all and any Candidate Information Booklets (CIB) issued / used by any NICS department(s) and also including AFBI in the past five years in relation to vacancies / trawls whereby the vacancy / trawl in question was in any way health & safety related.

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:

Within each CIB an individual's name and contact information is provided as a point of contact for the competition. The competitions in question have now closed so the point of contact is no longer relevant. Given that these competitions closed more than two years ago, the individual contact may also have changed roles, again making the contact details irrelevant. The recruitment process for these competitions was internal so this information would not have been available to the world at large.

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).