

FOI DOF/2022-0283

**Request**

Please can you

1. Confirm whether your organisation applied to be part of the Stonewall Workplace Equality Index in A) 2018 (for 2019), B) 2019 (for 2020) or C) 2021 (for 2022) (NB the index was suspended in 2020/21 because of Covid)
2. Give details of the total amount of money you paid to Stonewall in 2021 whether or not as payment for goods or services.
3. State whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.

If the answer to any part of 1 is yes please supply:

4. Any application you made in 2021 to be included on Stonewall's Workplace Equality Index, including any attachments or appendices to those applications. Please redact personal details if necessary.
5. Any feedback you received in 2018/19 or 2019/20 or 2021/22 from Stonewall in relation to either application or programme. This must include the priorities or objectives written by your organisation's representative at the end of the feedback form (under the heading 'Priorities for the year ahead' in 2019; 'Your priorities' in 2020).

**EXEMPTIONS?**

If your organisation is considering refusing to disclose feedback received as part of the Stonewall scheme by relying on section 41 (confidential information) and/or section 43 (commercial interest) of FOI, please note the recent ICO decisions IC-129040-Y4T2 and IC-125081-Q8J6 which rejected these reasons. Sex Matters has written a short briefing on these two ICO decisions – please see [www.sex-matters.org/wp-content/uploads/2022/07/Freedom-of-Information-briefing-July-2022.pdf](http://www.sex-matters.org/wp-content/uploads/2022/07/Freedom-of-Information-briefing-July-2022.pdf)

## DoF Response

I can confirm the department holds the information requested.

1. The Civil Service submitted to the Stonewall Workplace Equality Index (WEI) in 2019 (for 2020) and in 2021 (for 2022).
2. Total expenditure incurred by the Department of Finance for 2021 in relation to Stonewall is outlined in the table below:

Financial Year	Expenditure
2020/21	£2,500
2021/22	£2,500

3. The NICS has been a Stonewall Diversity Champion since signing up to the programme in July 2018 and renewed its membership in August 2022.
4. The Civil Service submission in 2021 for the 2022 Workplace Equality Index is attached at **Annex A**.

### **Please note:**

Some of the information in Annex A has been redacted as the Department considers it to be exempt from disclosure under section 40 (2) of the Freedom of Information Act.

Section 40 (2) of the FOIA deals with personal data, and section 40 (2) cites that if a requester asks for personal data of someone other than the requester themselves then the information will be exempt if its disclosure would contravene any of the data protection principles in the General Data Protection Regulations (GDPR) 2018. A legitimate interest test has been conducted and is attached at **Annex B**

Some of the information in Annex A has also been withheld under Section 43(2) of the FOIA as the Department has considered and decided that this applies to Civil Service training materials.

The public interest test is detailed below:

### **Section 43(2) Public Interest test**

#### **Arguments in favour of disclosure:**

- There is a general public interest in disclosure of the information
- It would promote transparency and accountability of public authorities
- There may be interest in the Civil Service decision to make a submission to the Stonewall WEI, however there is no evidence of public interest in Civil Service online training materials.

### **Arguments for maintaining the exemption:**

- NICSHR Learning and Development's (L&D) online training materials are bespoke products designed to meet the specific needs of the Civil Service and wider public sector. Products can either be commissioned commercially through L&D's framework arrangements with external partners or alternatively they are developed in-house. L&D's portfolio of training products are part of a commercial relationship with wider public sector organisations who pay to access online material via the LINKS platform and are also eligible to book places on classroom training events.
- Civil Service developed training products are the intellectual property of the Civil Service and are not made publically available due to their potential commercial value to private training companies. Private companies could gain financially through the disclosure of bespoke training materials and offer them a commercial advantage or cause prejudicial harm to the investment made by Civil Service in its online platform, its ability to generate income and its ability to commission and develop similar products.

### **Decision on disclosure:**

The training materials will not be released because of the commercial value to the NICS and wider public sector.

On the balance of public interest, the factors against disclosure outweigh those in favour of releasing the information.

5. This information is held by the Department but is exempt under Section 21(1) of the Freedom of Information Act. Section 21 exempts information if this information is reasonably accessible to the applicant by other means. Section 21 is an absolute exemption and the department is not required to consider whether the public interest favours disclosure of this information.

Published information regarding feedback from the 2020 Workplace Equality Index can be found at:

[FOI DOF/2020-0238 Stonewall Diversity Champion's Index 2018, 2019,2020 | Department of Finance \(finance-ni.gov.uk\)](#)

Feedback from the 2022 Workplace Equality Index is attached at **Annex C**.