

FOI DOF/2023-0199

Request

1. Would you advise how many civil servants applied for special leave on 18th May, as election day, for leave to take part in election business?
2. Are civil servants allowed to stand in local government elections? Regardless will you share the rules around this?

DoF Response

I can confirm the department does hold some of the information requested.

1. The information you have requested is withheld as it is exempt under Section 40(2) of the Freedom of Information Act. Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would contravene one of the data protection principles in the General Data Protection Regulations (GDPR) (or certain other provisions of the Data Protection Act 2018).

Having considered all of the information contained within the Legitimate Interest Test - lawful, fairness and transparency test (attached as a separate document – Annex B), 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 and where it relates to a small number of individuals who could be identified. Making an unrestricted disclosure of personal data for private interests could constitute a disproportionate and unwarranted level of interference with the individuals' rights and freedoms – particularly their right to privacy and family life under the Human Rights Act 1998.

2. The rules governing political activities for civil servants are contained in HR Policy 6.01 Standards of Conduct, Section 19 and Annex 8. This information is exempt under Section 21 of the Freedom of Information Act as it is readily accessible by other means and is available at: finance-ni.gov.uk/sites/default/files/publications/dfp/HR%20Policy%206.01%20Standards%20of%20Conduct.pdf