

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

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

DOF/2024-0274

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

Could the following information be provided in relation to each of the G6/G5 competitions set out below:

- number of applicants
- number of people called to interview
- number of people that passed interview
- minimum and maximum range of scores awarded for those that passed interview (and where this cannot be provided due to numbers the average score)

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:

1. IRC207171 DoJ Reducing Offending Directorate Grade 6

The request asks for the score received at interview by the only successful candidate in the competition. To release this information would require consent from the individual involved to process their personal information. The department does not consider it appropriate to approach the individual to seek their consent for release of their personal information. As there was only one successful candidate it is also not possible to provide the average score for this competition.

2. IRC227498 DoJ Director of Rehabilitation and Reducing Reoffending, Grade 5
3. IRC282664 DoJ Principal Private Secretary to the Lady Chief Justice and Head of the Lady Chief Justice's Office & Official Solicitors Office
4. IRC224294 General Service Grade 5 Promotion Board
5. IRC280501 DAERA Grade 5 Policy Development & Implementation

6. IRC272566 DoJ Deputy Director (Grade 5), Policing Policy & Strategy Deputy Director, Enabling Access to Justice; Deputy Director, Victims Support
7. IRC272980 TEO Grade 5 Central and Cross-Cutting Policy and Programmes
8. IRC254216 Principal Private Secretary G5
9. IRC273800 Director of Rating Policy G5

Regarding the competitions listed in parts 2 – 9 (above) - to release the maximum scores of each competition would in effect be to release the score achieved by the individual placed in each post. These individuals could be identified by their job titles, therefore, average scores have been provided, as per the request.

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).